



Reprinted
April 11, 2007

ENGROSSED HOUSE BILL No. 1804

DIGEST OF HB 1804 (Updated April 10, 2007 8:18 pm - DI 113)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 3-14; IC 4-8.1; IC 5-10.1; IC 5-10.2; IC 9-24; IC 16-37; IC 20-23; IC 36-2; IC 36-5; noncode.

Synopsis: Various election law matters. (1) Defines "active" and "inactive" voters for purposes of voter list maintenance. (2) Provides that an identification document issued to an active or retired military member with an indefinite expiration date or an identification issued by an approved institution of higher learning is an acceptable proof of identification to vote. (3) Provides that a county or town official may not act as an agent of the election division or the secretary of state for the receipt of candidacy filings. (4) Removes a provision that prohibits the challenge of an absentee ballot cast by certain residents of long term care facilities. (5) Removes provisions permitting a person to
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Effective: Upon passage; January 1, 2007 (retroactive); July 1, 2007; January 1, 2008.

Pierce, Richardson

(SENATE SPONSORS — LANDSKE, BRODEN)

January 26, 2007, read first time and referred to Committee on Elections and Apportionment.

February 15, 2007, amended, reported — Do Pass.

February 20, 2007, read second time, amended, ordered engrossed.

February 21, 2007, engrossed.

February 22, 2007, read third time, passed. Yeas 90, nays 6.

SENATE ACTION

February 27, 2007, read first time and referred to Committee on Local Government and Elections.

April 5, 2007, amended, reported favorably — Do Pass.

April 10, 2007, read second time, amended, ordered engrossed.

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execute an affidavit at the polls stating that the voter does not have proof of identification because the voter is indigent or has a religious objection to being photographed. (6) Renames a "certificate of error" as a "certificate of voter registration". (7) Restates county reimbursement procedures for attending the annual election administrators' conference. (8) Specifies the contents of statewide voter registration system reports. (9) Specifies certain procedures in connection with voter list maintenance and updates procedures for address changes of voter registration records in the statewide voter registration system. (10) Removes a requirement that certain instructions and notices used at the polls must be printed in braille. (11) Revises the instruction to voters who vote a straight party ticket and vote for candidates not on the straight party ticket. (12) Requires certain candidacy documents to contain a statement that is separately signed by the candidate that the candidate is aware of the statute prohibiting certain relatives of the candidate from being a precinct election officer. (13) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (14) Permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee and specifies that the chairman or treasurer of the committee remains liable for any committee debts. (15) Specifies the reporting period for large contributions to candidates for statewide office. (16) Requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest. (17) Establishes procedures for conducting a special election for United States Representative in conformity with applicable federal law when more than 100 vacancies exist. (18) Requires a voter applying for an absentee ballot to provide certain information concerning the voter's identification before receiving an absentee ballot. (19) Allows an overseas voter to transmit an absentee ballot application by electronic mail. (20) Provides that if a voter's application for an absentee ballot is denied, the county election board must notify the applicant of the denial and tell the applicant how the application can be corrected and approved, if possible. (21) Revises precinct boundary change procedures. (22) Provides that when a voter votes as an absentee voter, the voter's signature on the absentee ballot affidavit shall be compared with the signature on the voter's voter registration record, or if the voter's voter registration record does not have a signature, the voter's signature on the absentee ballot application. (23) Provides for the counting of an absentee ballot received by the county election board before the close of the polls on election day if the ballot is not otherwise successfully challenged. (24) Makes the beginning date of absentee voting in the clerk's office or a satellite office one day later than under current law. (25) Permits a county election board to authorize casting absentee ballots only at satellite offices rather than at satellite offices and the clerk's office. (26) For voting system violations: (A) defines "election" for purposes of the secretary of state's enforcement of violations; (B) specifies that, in computing the maximum civil penalty, a violation that occurs in more than one county is subject to the maximum civil penalty in each county; and (C) provides that the secretary of state is not subject to the Indiana Code's administrative orders and procedures provisions in assessing a civil penalty. (27) Provides that the voting system technical oversight program account is nonreverting and that money in the account is continuously appropriated for voting system statute enforcement. (28) Authorizes the secretary of state to conduct audits to determine compliance with federal and state laws requiring the securing and retention of election records. (29) Provides that voters who reside within the portion of a municipality located in a vote center pilot county may vote using vote center pilot county procedures. (30) Requires an absentee voter to return the absentee ballot to the precinct

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election board or the county election board before the voter votes in person at the precinct. (31) Removes a provision requiring the counting of a ballot (other than an absentee ballot not initialed by the appropriate election officials) that has been marked and cast by a voter in compliance with election law but may otherwise not be counted solely as the result of the act or failure to act of an election officer unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. (32) Amends procedures for a county election board to authorize or conduct an inspection of an electronic voting system either before or after the tabulation of votes cast on the system. (33) Restates the maximum amount of a cash deposit or bond in a local recount proceeding. (34) Amends provisions concerning candidate ballot vacancy procedures. (35) Provides that a person who pays or accepts property to obtain signatures on a petition for ballot access commits a Class D felony, if certain conditions exist. (36) Provides that an individual elected treasurer of state takes office January 1, following the individual's election. (37) Provides for an exemption from withholding Social Security taxes from amounts paid to election officials or workers that are less than \$1,300 per year. (38) Provides for the initiation of the change of a school corporation's organization plan if 10% of the active voters in the school corporation sign a petition for the change. (Under current law, 20% of the voters in a school corporation must support a petition for a change in the school corporation's organization plan.) (39) Provides for certain precinct boundary changes to take effect not later than August 31, 2007. (40) Repeals obsolete references concerning the mailing of monthly voter registration transaction reports, certificates of election issued by the county auditor, paper ballots, and special polling places.

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Reprinted
April 11, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1804

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. "Active voter"
3 refers to **the following**:

4 **(1) For purposes of voter registration record and voter list**
5 **maintenance purposes under IC 3-7**, a voter who satisfies either
6 of the following:

7 **(1)(A)** The voter has registered or voted in any election during
8 the preceding four (4) years at the address indicated on the
9 voter's registration record.

10 **(2)(B)** The voter has not voted in any election during the
11 preceding four (4) years at the address indicated on the voter's
12 registration record and has responded in writing to an address
13 confirmation notice sent under IC 3-7 not later than thirty (30)
14 days after the notice was sent.

15 **(2) For purposes of establishing precinct boundaries in**
16 **compliance with IC 3-11-1.5**, a voter who has registered or
17 **voted in any election during the preceding four (4) years at**

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the address indicated on the voter's registration record.

SECTION 2. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.4. "Inactive voter," for voter registration purposes and voter list maintenance purposes under IC 3-7, refers to a voter who:**

- (1) **is not an active voter (as defined in IC 3-5-2-1.7(1)); and**
- (2) **has been designated as an inactive voter in compliance with the requirements of a voter list maintenance program conducted under IC 3-7.**

SECTION 3. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 40.5. (a) "Proof of identification" refers to a document that satisfies all the following:**

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:
 - (A) is not expired; or
 - (B) expired after the date of the most recent general election.
- (4) The document was issued by **any of the following:**
 - (A) The United States. or
 - (B) The state of Indiana.
 - (C) **An approved institution of higher learning (as defined in IC 20-12-21-3).**

(b) **Notwithstanding subsection (a)(3), a document issued to an active or a retired member by the United States Department of Defense, a branch of the uniformed services, the Merchant Marines, or the Indiana National Guard that:**

- (1) **otherwise complies with the requirements of this section; and**
- (2) **has no expiration date or states that the document has an indefinite expiration date;**

is sufficient proof of identification for purposes of this title.

SECTION 4. IC 3-5-4-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.2. (a) Whenever this title requires that a document declaring or certifying the candidacy of a person be filed with the election division or the secretary of state as a condition for the filing to be effective:**

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- (1) a county election board;
- (2) a circuit court clerk;
- (3) a county voter registration office; or
- (4) a town election board;

may not accept the filing on behalf of the election division or the secretary of state.

(b) A county election board, circuit court clerk, county voter registration office, or town election board that accepts a document that must be filed with the election division or the secretary of state as a condition for the filing to be effective:

- (1) may not act as an agent of the election division or the secretary of state; and
- (2) is not required to transmit the filing to the election division or the secretary of state.

(c) If a person described in subsection (b) accepts a document that must be filed with the election division of the secretary of state as a condition for the filing to be effective, the following apply:

- (1) The filing is void.
- (2) The name of a candidate set forth in the filing may not appear on the ballot, unless the document is filed with the election division or the secretary of state in the manner required by this title.

SECTION 5. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.9. **(a) This section does not apply to a delinquent campaign finance filing received under IC 3-9.**

(b) This section does not apply to an application for voter registration received while registration is closed under IC 3-7.

(c) Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.

SECTION 6. IC 3-5-4-7, AS AMENDED BY P.L.230-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2005~~: **2007**.

SECTION 7. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **(a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.**

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(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record.

SECTION 8. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) After the state chairman of a political party files a statement with the election division certifying that the party's name has been changed in accordance with all applicable party rules, a political party shall be known by the political party's new name, and the party has all the rights it had under its former name.

(b) If the state chairman of a political party files a statement under subsection (a) after the printing of ballots for use at an election conducted under this title has begun, ~~the election division or the~~ election board responsible for printing the ballots is not required to alter the ballots to state the new name of the political party.

SECTION 9. IC 3-6-4.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The codirectors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

- (1) may conduct the meeting before the first day of the year; and
- (2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following **from the county general fund without appropriation:**

- (1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.
- (2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the

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instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee. ~~from the county general fund without appropriation.~~

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 10. IC 3-6-6-39, AS AMENDED BY P.L.230-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not ~~more than seventeen (17)~~ **eighteen (18)** years of age **or older**.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.

(b) An individual appointed to a precinct election office or assistant under this section:

(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and

(2) while serving as a precinct election officer or assistant:

(A) is not required to obtain an employment certificate under IC 20-33-3; and

(B) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 11. IC 3-7-13-12, AS AMENDED BY P.L.1-2006,

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SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. Except as otherwise provided in this article, if a county voter registration office receives a properly completed registration application during a time other than the registration period described in section 10 of this chapter, the county voter registration office shall enter the data from the application into the computerized list and designate the application as pending in the same manner as other applications received while the registration period was open are designated as pending under IC 3-7-33-5. However, the county voter registration office shall ensure that:

(1) the notice required under IC 3-7-33-5 is not mailed to the applicant before the first day that the registration period reopens; and

(2) the registration information provided by the applicant does not appear on any certified list of voters or certificate of ~~error~~ **voter registration** issued under this article.

SECTION 12. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29. ~~However,~~

(b) Except as otherwise provided in this section, the parts and reports provided under this section may not include information described under section 8 of this chapter.

(c) The parts and reports may contain the information described in section 8 of this chapter if:

(1) the part or report is to be provided to an entity that:

(A) is described in section 6 of this chapter; and

(B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or

(2) the part or report is a purely statistical compilation that:

(A) includes the information described in section 8 of this chapter; and

(B) does not include any information:

(i) concerning an individual voter; or

(ii) that would permit the identification of an individual voter as a result of providing the compilation.

(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.

SECTION 13. IC 3-7-27-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

(1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.

(2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

(1) use the information to solicit merchandise, goods, services, or subscriptions; or

(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 14. IC 3-7-28-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than thirty (30) days after receipt of the reports of deceased individuals~~

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required under this article; (a) Each circuit court clerk or board of county voter registration office shall send a list of the deceased persons whose registrations have been canceled to the following upon request:

(1) The county chairman of each major political party of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 15. IC 3-7-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~Not later than thirty (30) days after preparation of a list of disfranchised voters under this article; the circuit court clerk or board of~~ (a) Each county voter registration office shall send a ~~notice~~ list of disfranchised voters whose registrations have been canceled to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next general election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 16. IC 3-7-28-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~The circuit court clerk or board of~~ (a) Each county voter registration office shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article ~~not later than sixty (60) days before election day~~ to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a

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primary, general, or municipal election.

After that date, upon request the clerk or board shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 17. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application is was received by the county voter registration office **after December 31, 2002, and before January 1, 2006.**

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

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(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 18. IC 3-7-33-5, AS AMENDED BY P.L.164-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the

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1 county voter registration office receives a voter registration application.
 2 The county voter registration office shall send a notice to the applicant
 3 at the mailing address provided in the application.

4 (c) The notice required by subsection (b) must set forth the
 5 following:

6 (1) A statement that the application has been received.

7 (2) The disposition of the application by the county voter
 8 registration office.

9 (3) If the county voter registration office determines that the
 10 applicant appears to be eligible, the notice must state the
 11 following:

12 (A) Except as provided under subsection (f), the applicant is
 13 registered to vote under the residence address when the
 14 applicant receives the notice. An applicant is presumed to
 15 have received the notice unless the notice is returned by the
 16 United States Postal Service due to an unknown or insufficient
 17 address and received by the county voter registration office not
 18 later than seven (7) days after the notice is mailed to the
 19 applicant.

20 (B) The name of the precinct in which the voter is registered.

21 (C) The address of the polling place for the precinct in which
 22 the voter is registered.

23 (D) The voter's voter identification number.

24 (4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter
 25 registration office has denied the application, the notice must
 26 include the reasons for the denial.

27 (d) The notice required by subsection (b) may include a voter
 28 registration card.

29 (e) If the notice is returned by the United States Postal Service due
 30 to an unknown or insufficient address, the county voter registration
 31 office shall determine that the applicant is ineligible and deny the
 32 application.

33 (f) During the seven (7) days following the mailing of the notice to
 34 the voter under this section, the county voter registration office shall
 35 indicate in the computerized list maintained under IC 3-7-26.3 that the
 36 application is pending. If the notice:

37 (1) is not returned by the United States Postal Service and
 38 received by the county voter registration office at; or

39 (2) is received by the applicant by United States Postal Service
 40 delivery and presented in person by the applicant to the county
 41 voter registration office before;

42 the expiration of the seven (7) day period under subsection (c), the

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1 county voter registration office shall indicate in the computerized list
2 that the applicant is a registered voter.

3 (g) This subsection applies if the notice is mailed by the county
4 voter registration office after the certified list is prepared under
5 IC 3-7-29. If:

6 (1) the seven (7) day period under subsection (c) expires before
7 election day;

8 (2) the applicant has not presented the notice mailed under
9 subsection (b) to the county voter registration office as provided
10 under subsection (f); and

11 (3) the applicant would otherwise have been included on the
12 certified list;

13 the county voter registration office shall prepare a certificate of ~~error~~
14 **voter registration** under IC 3-7-48 to note the addition of the voter to
15 the certified list.

16 (h) This subsection applies if the notice is mailed by the county
17 voter registration office after the certified list is prepared under
18 IC 3-7-29. If:

19 (1) the seven (7) day period has not expired before election day;
20 and

21 (2) the applicant has not presented the notice mailed under
22 subsection (b) to the county voter registration office as provided
23 under subsection (f);

24 the county voter registration office shall notify the county election
25 board. The county election board shall certify to the inspector of the
26 precinct where the applicant resides that the applicant's voter
27 registration application is pending, and that the voter, subject to
28 fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional
29 ballot.

30 SECTION 19. IC 3-7-34-7, AS AMENDED BY P.L.81-2005,
31 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 7. (a) The county voter registration office
33 shall certify to the NVRA official on an expedited basis a list of the
34 registration forms that have been processed under section 6 of this
35 chapter but do not contain information required to be supplied by the
36 bureau of motor vehicles commission or a voter registration agency.

37 (b) The NVRA official shall notify the commission or agency that
38 the commission or agency is required to supply the omitted information
39 on an expedited basis to the county voter registration office. ~~following~~
40 ~~receipt of notice from the NVRA official.~~

41 SECTION 20. IC 3-7-34-13, AS AMENDED BY P.L.81-2005,
42 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 13. (a) If a registration form complies with section 9(c) of this chapter and is received after the certified list has been prepared under IC 3-7-29, the county voter registration office shall:

- (1) process the form in accordance with IC 3-7-33-5; and
- (2) if the registration application is approved, issue a certificate of ~~error~~ **voter registration** under IC 3-7-48.

(b) If a registration form does not comply with section 9(c) of this chapter, the county voter registration office shall process the form in accordance with IC 3-7-13-12.

SECTION 21. IC 3-7-36-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) The circuit court clerk or board of county voter registration office** shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the date that the clerk or board prepares the certified list under IC 3-7-29-1.

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

SECTION 22. IC 3-7-38.2-2, AS AMENDED BY P.L.164-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
- (2) not result in the removal of the name of a person from the official list of ~~votes~~ **voters** solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

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(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices.

(3) The return of a mailing sent by the county voter registration office to all voters in the county.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date **(which must be at least thirty (30) days after the date the notice is mailed)** by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter returns the card described in subsection (d)(2) after the date specified in the notice, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, designate the voter as inactive.

~~(f)~~ (g) If a voter does not return the card described in subsection

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(d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

~~(g)~~ **(h)** A voter's registration that becomes inactive under subsection ~~(f)~~ **(g)** remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

~~(h)~~ **(i)** After the date described in subsection ~~(g)~~ **(h)**(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 23. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

(1) naming or renaming streets;

(2) numbering or renumbering lots or structures; and

(3) converting rural route addresses to numbered addresses;

shall report the changes to the ~~circuit court clerk or board of county voter~~ registration office not later than the last day of the month following the month in which the change was made.

SECTION 24. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend

~~(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and~~

~~(2) the entry for the voter in the computerized list under IC 3-7-26.3.~~

SECTION 25. IC 3-7-43-6, AS AMENDED BY P.L.164-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office **using the computerized list**, on an expedited basis, as required by IC 3-7-26.3. **A county voter registration office**

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1 is not required to forward a paper copy of the request for
 2 cancellation of registration to another county voter registration
 3 office if the authorization of cancellation has been transmitted to
 4 the other county voter registration office using the computerized
 5 list. The county voter registration office shall retain the paper copy
 6 of the request for cancellation for the two (2) year period required
 7 under 42 U.S.C. 1974.

8 SECTION 26. IC 3-7-45-7 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) If a county voter
 10 registration office determines that:

11 (1) a voter has been identified as deceased in a list or report
 12 described by this chapter; and

13 (2) the identification is in error;

14 the voter registration office may decline to cancel the registration and
 15 shall note the apparent error on the voter registration record.

16 (b) If a county voter registration office determines that a registration
 17 has been previously canceled in error due to a report that the voter is
 18 deceased, the voter registration office shall reinstate the registration by:

19 (1) correcting the registration record before a certified list of
 20 voters is prepared under IC 3-7-29-1; or

21 (2) issuing a certificate of **error voter registration** under
 22 IC 3-7-48.

23 SECTION 27. IC 3-7-48-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as
 25 otherwise provided by NVRA or in this chapter, a person whose name
 26 does not appear on the registration record may not vote, unless the
 27 ~~circuit court clerk or board of county voter~~ registration office provides
 28 a signed certificate of **error in the office where the permanent**
 29 **registration record is kept voter registration** showing that the voter is
 30 legally registered in the precinct where the voter resides.

31 (b) A person whose name does not appear on the registration record
 32 may cast a provisional ballot as provided in IC 3-11.7.

33 SECTION 28. IC 3-7-48-2, AS AMENDED BY P.L.81-2005,
 34 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2007]: Sec. 2. A certificate of **error voter registration** issued
 36 under section 1 of this chapter:

37 (1) may be issued at any time after the production of the certified
 38 list under IC 3-7-29;

39 (2) shall be executed by the circuit court clerk, or in a county with
 40 a board of registration, by both members of the board; and

41 (3) shall be numbered serially in the method prescribed for entry
 42 in the computerized list maintained under IC 3-7-26.3.

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SECTION 29. IC 3-7-48-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. One (1) copy of the certificate of **error voter registration** shall be delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to the circuit court clerk with other election material at the close of the polls as provided in this title. The other copy shall be delivered to the county election board and returned to the **circuit court clerk county voter registration office** when the polls are closed.

SECTION 30. IC 3-7-48-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. In a county with a board of registration, the circuit court clerk or board of registration shall promptly transmit all certificates of **error voter registration** to the board of registration.

SECTION 31. IC 3-8-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to be certified; and

(B) the candidate's name is permitted to appear under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). For purposes of this subdivision, a candidate is affiliated with a political party only if the candidate satisfies section 7(a)(4) of this chapter.

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or

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Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

~~(12)~~ (13) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in

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1 candidate, the write-in candidate is considered a candidate for all
2 purposes.

3 (d) A write-in candidate must comply with the requirements under
4 IC 3-8-1 that apply to the office to which the write-in candidate seeks
5 election.

6 (e) A person may not be a write-in candidate in a contest for
7 nomination or for election to a political party office.

8 (f) A write-in candidate for the office of President or Vice President
9 of the United States must list at least one (1) candidate for presidential
10 elector and may not list more than the total number of presidential
11 electors to be chosen in Indiana.

12 (g) The commission shall provide that the form of a declaration of
13 intent to be a write-in candidate includes the following information
14 near the separate signature required by subsection (b)(7):

15 (1) The dates for filing campaign finance reports under IC 3-9.

16 (2) The penalties for late filing of campaign finance reports under
17 IC 3-9.

18 (h) A declaration of intent to be a write-in candidate must include
19 a statement that the candidate requests the name on the candidate's
20 voter registration record be the same as the name the candidate uses on
21 the declaration of intent to be a write-in candidate. If there is a
22 difference between the name on the candidate's declaration of intent to
23 be a write-in candidate and the name on the candidate's voter
24 registration record, the officer with whom the declaration of intent to
25 be a write-in candidate is filed shall forward the information to the
26 voter registration officer of the appropriate county as required by
27 IC 3-5-7-6(e). The voter registration officer of the appropriate county
28 shall change the name on the candidate's voter registration record to be
29 the same as the name on the candidate's declaration of intent to be a
30 write-in candidate.

31 SECTION 32. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The declaration of each
33 candidate required by this chapter must be signed before a person
34 authorized to administer oaths and contain the following information:

35 (1) The candidate's name, printed or typewritten as:

36 (A) the candidate wants the candidate's name to appear on the
37 ballot; and

38 (B) the candidate's name is permitted to appear on the ballot
39 under IC 3-5-7.

40 (2) A statement that the candidate is a registered voter and the
41 location of the candidate's precinct and township (or ward and
42 city or town), county, and state.

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(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The candidate has never voted in a primary election and claims a party affiliation.

(C) The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state or local office in a previous primary or general election and whether the candidate has filed all reports required by

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IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

~~(10)~~ (11) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 33. IC 3-8-5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

(1) not earlier than January 1; and

(2) not later than:

(A) noon August 1 before a municipal election if the town nominates its candidates by convention; and

(B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary

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1 election.

2 (c) The declaration must be subscribed and sworn to (or affirmed)
3 before a notary public or other person authorized to administer oaths.

4 (d) The declaration of each candidate required by this section must
5 certify the following information:

6 (1) The candidate's name, printed or typewritten as:

7 (A) the candidate wants the candidate's name to appear on the
8 ballot; and

9 (B) the candidate's name is permitted to appear on the ballot
10 under IC 3-5-7.

11 (2) That the candidate is a registered voter and the location of the
12 candidate's precinct and township (or the ward and town), county,
13 and state.

14 (3) The candidate's complete residence address and the
15 candidate's mailing address if the mailing address is different
16 from the residence address.

17 (4) The candidate's party affiliation and the office to which the
18 candidate seeks nomination, including the district designation if
19 the candidate is seeking a town legislative body seat.

20 (5) That the candidate complies with all requirements under the
21 laws of Indiana to be a candidate for the above named office,
22 including any applicable residency requirements, and is not
23 ineligible to be a candidate due to a criminal conviction that
24 would prohibit the candidate from serving in the office.

25 **(6) A statement that the candidate is aware of the provisions**
26 **of IC 3-6-6-7 prohibiting certain relatives of the candidate**
27 **from being a precinct election officer. The candidate must**
28 **separately sign the statement required by this subdivision.**

29 ~~(6)~~ (7) The candidate's signature.

30 (e) This subsection does not apply to a town whose municipal
31 election is to be conducted by a county. Immediately after the deadline
32 for filing, the circuit court clerk shall do all of the following:

33 (1) Certify to the town clerk-treasurer and release to the public a
34 list of the candidates of each political party for each office. The
35 list shall indicate any candidates of a political party nominated for
36 an office under this chapter because of the failure of any other
37 candidates of that political party to file a declaration of candidacy
38 for that office.

39 (2) Post a copy of the list in a prominent place in the circuit court
40 clerk's office.

41 (3) File a copy of each declaration of candidacy with the town
42 clerk-treasurer.

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(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

(1) noon August 1 before the municipal election if the town nominates its candidates by convention; and

(2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 34. IC 3-8-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. ~~(a)~~ A certificate of nomination **executed under section 13 of this chapter** must be signed before a person authorized to administer oaths and certify the following information:

(1) The name of the party, the town where the convention was held, the date of the convention, and the date of the town election.

~~(2) The name, residence, and office of each candidate that was nominated at the convention:~~

~~(3) That each candidate for town council resides in the ward for which the person is a candidate:~~

~~(4) That each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a~~

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1 ~~candidate.~~

2 ~~(5)~~ (2) The title of the party that the candidates represent and the
3 device by which the candidates may be designated on the ballots
4 (a symbol to designate the party).

5 ~~(6)~~ (3) The signature and residence address of the presiding
6 officer and secretary of the convention.

7 ~~(b) The certificate of nomination must be filed with the circuit court~~
8 ~~clerk of the county where the convention was held.~~

9 SECTION 35. IC 3-8-6-12 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A petition of
11 nomination for an office filed under section 10 of this chapter must be
12 filed with and, except as provided in subsection (d), certified by the
13 person with whom a declaration of candidacy must be filed under
14 IC 3-8-2.

15 (b) The petition of nomination must be accompanied by the
16 following:

17 (1) The candidate's written consent to become a candidate.

18 (2) A statement that the candidate:

19 (A) is aware of the provisions of IC 3-9 regarding campaign
20 finance and the reporting of campaign contributions and
21 expenditures; and

22 (B) agrees to comply with the provisions of IC 3-9.

23 The candidate must separately sign the statement required by this
24 subdivision.

25 (3) If the candidate is subject to IC 3-9-1-5, a statement by the
26 candidate that the candidate has filed a campaign finance
27 statement of organization under IC 3-9-1-5 or is aware that the
28 candidate may be required to file a campaign finance statement of
29 organization not later than noon seven (7) days after the final date
30 for filing a petition for nomination under section 10 of this
31 chapter.

32 (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the
33 candidate that the candidate is aware of the requirement to file a
34 campaign finance statement of organization under IC 3-9 after the
35 first of either of the following occurs:

36 (A) The candidate receives more than five hundred dollars
37 (\$500) in contributions.

38 (B) The candidate makes more than five hundred dollars
39 (\$500) in expenditures.

40 (5) A statement indicating whether or not each candidate:

41 (A) has been a candidate for state or local office in a previous
42 primary or general election; and

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- 1 (B) has filed all reports required by IC 3-9-5-10 for all
 2 previous candidacies.
- 3 (6) A statement that each candidate is legally qualified to hold the
 4 office that the candidate seeks, including any applicable residency
 5 requirements and restrictions on service due to a criminal
 6 conviction.
- 7 (7) If the petition is filed with the secretary of state for an office
 8 not elected by the electorate of the whole state, a statement signed
 9 by the circuit court clerk of each county in the election district of
 10 the office sought by the individual.
- 11 (8) Any statement of economic interests required under
 12 IC 3-8-1-33.
- 13 **(9) A statement that the candidate is aware of the provisions**
 14 **of IC 3-6-6-7 prohibiting certain relatives of the candidate**
 15 **from being a precinct election officer. The candidate must**
 16 **separately sign the statement required by this subdivision.**
- 17 (c) The statement required under subsection (b)(7) must:
 18 (1) be certified by each circuit court clerk; and
 19 (2) indicate the number of votes cast for secretary of state:
 20 (A) at the last election for secretary of state; and
 21 (B) in the part of the county included in the election district of
 22 the office sought by the individual filing the petition.
- 23 (d) The person with whom the petition of nomination must be filed
 24 under subsection (a) shall:
 25 (1) determine whether a sufficient number of signatures as
 26 required by section 3 of this chapter have been obtained; and
 27 (2) do one (1) of the following:
 28 (A) If the petition includes a sufficient number of signatures,
 29 certify the petition.
 30 (B) If the petition has an insufficient number of signatures,
 31 deny the certification.
- 32 (e) The secretary of state shall, by noon ~~August 20~~ **of the date**
 33 **specified under IC 3-8-7-16 for the certification of candidates and**
 34 **public questions by the election division:**
 35 (1) certify; or
 36 (2) deny certification under subsection (d) to;
 37 each petition of nomination filed in the secretary of state's office to the
 38 appropriate county.
- 39 (f) The commission shall provide that the form of a petition of
 40 nomination includes the following information near the separate
 41 signature required by subsection (b)(2):
 42 (1) The dates for filing campaign finance reports under IC 3-9.

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(2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 36. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Either the chairman and secretary of a state convention or the state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

(b) The certificate must state the following:

(1) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

(2) That the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) That the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a

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precinct election officer. The candidate must separately sign the statement required by this subdivision.

(c) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information near the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(d) A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

SECTION 37. IC 3-8-7-11, AS AMENDED BY P.L.230-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

(1) the device is changed in accordance with party rules; and

(2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use **any of the following** as a device:

(1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).

(2) The coat of arms or seal of the state or of the United States.

(3) The national or state flag. ~~or~~

(4) Any other emblem common to the people.

(d) Not later than noon ~~August 20, before each~~ **seventy-four (74) days before a** general or municipal election, the election division shall provide each county election board with a camera-ready copy of the

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1 device under which the candidates of the political party or the
 2 petitioner are to be listed so that ballots may be prepared using the best
 3 possible reproduction of the device.

4 (e) This subsection applies to a candidate or political party whose
 5 device is not filed with the election division under subsection (a) and
 6 is to be printed only on ballots to identify candidates for election to a
 7 local office. Not later than noon ~~August 20~~, **seventy-four (74) days**
 8 **before a general or municipal election**, the chairman of the political
 9 party or the petitioner of nomination shall file a camera-ready copy of
 10 the device under which the candidates of the political party or the
 11 petitioner are to be listed with the county election board of each county
 12 in which the name of the candidate or party will be placed on the ballot.
 13 The county election board shall provide the camera-ready copy of the
 14 device to the town election board of a town located wholly or partially
 15 within the county upon request by the town election board.

16 (f) If a copy of the device is not filed in accordance with subsection
 17 (a) or (e), or unless a device is designated in accordance with section
 18 26 or 27 of this chapter, the county election board or town election
 19 board is not required to use any device to designate the list of
 20 candidates.

21 **(g) If a device is filed with the election division or an election**
 22 **board after the commencement of printing of ballots for use at an**
 23 **election conducted under this title, the election board responsible**
 24 **for printing the ballots is not required to alter the ballots to include**
 25 **the device filed under this subsection.**

26 SECTION 38. IC 3-8-7-25.5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.5. (a) This
 28 section does not apply to the change of a candidate's name that occurs
 29 after absentee ballots have been printed bearing the candidate's name.

30 (b) A candidate who:

31 (1) is:

32 (A) nominated for election; or

33 (B) a candidate for nomination; and

34 (2) changed the candidate's legal name after:

35 (A) the candidate has been nominated; or

36 (B) the candidate has become a candidate for nomination;

37 shall file a statement setting forth the former and current legal name of
 38 the candidate with the office where a declaration of candidacy or
 39 certificate of nomination for the office is required to be filed. If the
 40 final date and hour has not passed for filing a declaration of candidacy,
 41 consent for nomination, or declaration of intent to be a write-in
 42 candidate, the candidate must file the request for a change of name on

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the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

(1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.

(2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, ~~the election division~~ and each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

SECTION 39. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for state office.

(2) A candidate's committee for legislative office.

(3) A legislative caucus committee.

(4) A political action committee that has filed a statement or report with the election division.

(5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for a local office.

(2) A candidate's committee for a school board office.

(3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

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(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee ~~and waiving any outstanding civil penalty previously imposed by the commission or board~~; if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

~~(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.~~

~~(C)~~ **(B)** According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) If the commission or board administratively dissolves a committee under subdivision (4), the commission or board may also waive any outstanding civil penalty previously imposed by the commission or board against the committee, if the commission or board finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee to be wasteful or unjust.

~~(5)~~ **(6)** The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

~~(6)~~ **(7)** An order issued under this subsection takes effect

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immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from **any**:

(1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or

(2) criminal liability.

SECTION 40. IC 3-9-5-22, AS ADDED BY P.L.221-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) This section applies only to a large contribution that is received by a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

(b) As used in this section, "election" refers to any of the following:

(1) For a candidate nominated at a primary election, the primary election.

(2) For a candidate nominated at a state convention, the state convention.

(3) A general election.

(c) As used in this section, "large contribution" means either of the following:

(1) Contributions:

(A) that total at least one thousand dollars (\$1,000); and

(B) that are received

~~(i) after the end of a reporting period and before the deadline for the candidate's committee to file a report under section 6 of this chapter; and~~

~~(ii) not less than forty-eight (48) hours before an election.~~

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(2) A single contribution that is at least ten thousand dollars (\$10,000) that is received at any time.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division not later than:

(1) forty-eight (48) hours after a contribution described by subsection (c)(1) is received; or

(2) noon seven (7) days after a contribution described by subsection (c)(2) is received.

(e) A report filed under this section may be filed ~~by facsimile transmission or~~ as an electronic report when the requirements of IC 3-9-4 or this chapter have been met. A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The total amount of the contribution.

(5) The dates and times the contributions making up the large contribution described in subsection (c)(1) or a large contribution described in subsection (c)(2) were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 41. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a ~~member of the~~ precinct election board **officer** shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

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(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election.

SECTION 42. IC 3-10-1-8, AS AMENDED BY P.L.164-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct or on the certified copy of the registration record prepared under IC 3-7-29 may:

- (1) vote if the county voter registration office provides a signed certificate of ~~error~~; **voter registration**; or
- (2) cast a provisional ballot under IC 3-11.7, as provided by 42 U.S.C. 15482.

SECTION 43. IC 3-10-1-12, AS AMENDED BY P.L.230-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) In those precincts where ballot card voting systems are to be used, each county election board shall prepare and distribute separate primary ballots for each political party participating in a primary election at least equal in number to one hundred percent (100%) of the number of votes cast for the candidate of the party who received the greatest number of votes cast in the precinct at the last general election.

(b) In those precincts where ballot card voting systems are to be used, each county election board shall prepare and distribute separate ballots for voters who wish to vote in an election for a school board office or in an election on a public question being conducted on the same election day as the primary election but who do not wish to vote in the primary election for the nomination of candidates of a political party. Unless the county election board adopts an order to provide and distribute a specific and fewer number of these ballots in a precinct, the county shall provide and distribute the number of ballots for these voters in each precinct required under IC 3-11-3-11(3).

(c) In those precincts where ballot card voting systems are to be used, each county election board shall prepare and distribute separate ballots for voters who under IC 3-7-13-3 are not eligible to vote in an election for an office or in an election on a public

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question being conducted on the same election day as the primary election, but who wish to vote in the primary for candidates for nomination by a political party. Unless the county election board adopts an order to provide a specific and fewer number of these ballots in a precinct, the county shall provide and distribute a number of ballots at least equal in number to one hundred percent (100%) of the number of voters described by IC 3-7-13-3 registered in the precinct.

(b) (d) In those precincts where electronic voting systems are to be used, the board shall determine the number of ballots required to be printed and furnished to the precincts for emergency purposes only.

SECTION 44. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.**

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.

SECTION 45. IC 3-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever a proposed state constitutional amendment or other public question is submitted by the general assembly under Article 16 of the Constitution of the State of Indiana to the electorate of the state for a popular vote, the election division shall certify the public question to the county election board of each county.

(b) If the vote is to occur at a general election, the election division shall certify by noon ~~August 20 before the election.~~ **of the date specified under IC 3-8-7-16 for the election division to certify candidates and other public questions for the general election ballot.** If a special election is to be held, the election division shall certify at least thirty (30) days before the election. Each county election board shall publish notice of the public question in accordance with IC 5-3-1.

SECTION 46. IC 3-10-8-1, AS AMENDED BY P.L.164-2006, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A special election shall be held in the

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following cases:

(1) Whenever two (2) or more candidates for a federal, state, legislative, circuit, or school board office receive the highest and an equal number of votes for the office, except as provided in Article 5, Section 5 of the Constitution of the State of Indiana or in IC 20.

(2) Whenever a vacancy occurs in the office of United States Senator, as provided in IC 3-13-3-1.

(3) Whenever a vacancy occurs in the office of United States Representative, unless the vacancy:

(A) occurs less than thirty (30) days before a general election;

or

(B) exists following an announcement of extraordinary circumstances by the Speaker of the House of Representatives of the United States under 2 U.S.C. 8(b), if an election for the office would otherwise be conducted during the period described by 2 U.S.C. 8(b)(2)(A) or 2 U.S.C. 8(b)(2)(B).

(4) Whenever a vacancy occurs in any local office, the filling of which is not otherwise provided by law.

(5) Whenever required by law for a public question.

(6) Whenever ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18.

(7) Whenever required under IC 3-13-5 to fill a vacancy in a legislative office unless the vacancy occurs less than thirty (30) days before a general election.

SECTION 47. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) This section applies to a special election to fill one (1) or more vacancies in the office of United States Representative under 2 U.S.C. 8(b).**

(b) A special election conducted under this section shall be governed by other provisions of this title as far as applicable.

(c) A political party entitled to fill a candidate vacancy under IC 3-13-2 may nominate a candidate for election to the office under IC 3-13-2-3.

(d) If a candidate does not intend to affiliate with a political party described by subsection (c), the candidate may:

(1) be nominated as an independent or a candidate of a political party by petition in accordance with IC 3-8-6; or

(2) file a declaration of intent to be a write-in candidate under IC 3-8-2-4(b).

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(e) A certificate of candidate selection under IC 3-13-2-8, a petition of nomination, or a declaration of intent to be a write-in candidate must be filed with the election division not later than noon thirty-five (35) days before the special election is to be conducted.

(f) A candidate may file a notice of withdrawal with the election division not later than noon thirty-three (33) days before the special election is to be conducted.

(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding IC 3-11-10-14, an absentee ballot cast by an absent uniformed services voter or an overseas voter may be received by a county election board up to forty-five (45) days after the absentee ballot was transmitted to the voter.

(h) Notwithstanding IC 3-12-5-8(a), if the ballot is determined by the county election board to be otherwise valid, the circuit court clerk shall file an amendment to the certified statement previously filed under IC 3-12-5-6 with the election division not later than noon seven (7) days following the determination of the validity of the ballot. Notwithstanding IC 3-12-5-9, the election division, the secretary of state, and the governor shall prepare, execute, and transmit a replacement certificate of election if the amendment filed under this subsection results in a different candidate receiving the highest number of votes for the office.

SECTION 48. IC 3-10-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. If the person executes the affidavit under this chapter before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall:

(1) provide the person with a voter registration application, if the person's current address is located within the same county as the precinct of the person's former residence, and request that the person complete and sign the application; and

(2) return the original affidavit and any completed voter registration application to the circuit court clerk or board of county voter registration office after the closing of the polls.

SECTION 49. IC 3-10-12-4, AS AMENDED BY P.L.230-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The written affirmation described in section 3.4 of this chapter may be executed as follows:

(1) At the county voter registration office for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.

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(2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.

(3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

(b) If the person executes the affidavit under this section at the county voter registration office before the day of the election, the office shall furnish a copy of the affirmation to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

(c) If the person executes the affirmation under this section when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(d) If the person executes the affirmation under this section before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall:

(1) provide the person with a voter registration application, if the person's current address is located within the same county as the precinct of the person's former residence, and request that the person complete and sign the application; and

(2) return the original affirmation to the county election board.

The county election board shall forward the affidavit **and any completed voter registration application** to the county voter registration office after the closing of the polls.

SECTION 50. IC 3-11-1.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If a proposed precinct establishment order includes a legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section

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9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds **or a shape file** that identifies the visible feature that forms the boundary.

SECTION 51. IC 3-11-2-10, AS AMENDED BY P.L.58-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed at the top of the ballot. The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device.

(b) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot, **unless you want to vote for any candidates of a political party other than the (political party name). If you want to vote for candidates for offices other than candidates of the (political party name) party, you must:**

(1) make a voting mark on or in the square to the left of that candidate's name; or

(2) write in the name of the candidate on the ballot where write-in votes may be cast and make a voting mark on or in the square to the left of the candidate's name you write in.

If more than one (1) candidate is to be elected to an office, you must also make a voting mark on or in the square to the left of the names of the candidates of the (political party name) party for whom you want to vote for that office in addition to the names of the candidates you want to vote for who are not (political party name) candidates. **DO NOT VOTE FOR MORE CANDIDATES FOR AN OFFICE THAN ARE TO BE ELECTED; IF YOU DO, THE VOTES FOR THE (POLITICAL PARTY NAME) CANDIDATES FOR THAT OFFICE WILL NOT BE COUNTED AND IT IS POSSIBLE THAT ALL THE VOTES YOU CAST FOR CANDIDATES FOR THE OFFICE WILL NOT BE COUNTED.** If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(c) If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows:

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"A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(d) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(e) The list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(f) The election division or the circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 52. IC 3-11-3-22, AS AMENDED BY P.L.164-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English ~~braille~~, and any other language that the board considers necessary, the following:

(1) Instructions for the guidance of voters in preparing their ballots.

(2) Instructions explaining the procedure for write-in voting.

(3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

(1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and

(2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

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(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

SECTION 53. IC 3-11-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the ~~election division or~~ the election board may print ballots containing the name of the new candidate.

(b) If the ~~election division or the~~ election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the ~~division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the appointment or selection. Pastors may not be given to or received by any person except the ~~co-directors of the election division (or the~~ election board and the board's chairman.

(c) If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the candidate who has changed the candidate's legal name shall provide to the ~~election division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the change of name. If a candidate declines to do so under this subsection, the ~~division or the~~ board is not required to reprint ballots to reflect the change of legal name.

SECTION 54. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to **complete and** sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to **complete each part of the application and** sign the application on behalf of the voter. If an individual ~~applies files an application~~ for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or

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otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- ~~(5) The voter identification number of the individual.~~

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- (4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with ~~IC 3-11-4-18~~, **section 18 of this chapter**, IC 3-11-10-24, or IC 3-11-10-25.

(5) The information required under section 5.1(d) of this chapter to be provided by an individual requesting an absentee ballot.

(6) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the

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individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application;

or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 55. IC 3-11-4-3, AS AMENDED BY P.L.103-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Except as provided in section 6 of this chapter, an application for an absentee ballot must be received by the

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1 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
 2 the board of elections and registration) not earlier than ninety (90) days
 3 before election day nor later than the following:

4 (1) Noon on election day if the voter registers to vote under
 5 IC 3-7-36-14.

6 (2) Noon on the day before election day if the voter completes the
 7 application in the office of the circuit court clerk **and votes an**
 8 **absentee ballot under IC 3-11-10-26** or is an absent uniformed
 9 services voter or overseas voter who requests that the ballot be
 10 transmitted by fax under section 6(h) of this chapter.

11 (3) Noon on the day before election day if:

12 (A) the application is a mailed, transmitted by fax, or hand
 13 delivered application from a confined voter or voter caring for
 14 a confined person; and

15 (B) the applicant requests that the absentee ballots be
 16 delivered to the applicant by an absentee voter board **under**
 17 **IC 3-11-10-25.**

18 (4) Midnight on the eighth day before election day if the
 19 application:

20 (A) is a mailed application; ~~or~~

21 (B) was transmitted by fax; **or**

22 **(C) was hand delivered;**

23 from other voters **who request to vote by mail under**
 24 **IC 3-11-10-24.**

25 SECTION 56. IC 3-11-4-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Applications
 27 may be made:

28 (1) in person;

29 (2) by fax transmission; ~~or~~

30 (3) by mail; **or**

31 **(4) by electronic mail with a scanned image of the application**
 32 **and signature of the applicant, if transmitted by an overseas**
 33 **voter acting under section 6 of this chapter;**

34 on application forms ~~furnished by the county election board or~~
 35 ~~approved by the commission.~~

36 (b) Application forms shall:

37 ~~(1) be furnished to all central committees in the county no later~~
 38 ~~than:~~

39 ~~(A) June 15, for a general election or a special election ordered~~
 40 ~~under IC 3-12-8-17 or IC 3-12-11-18 following the primary~~
 41 ~~election; or~~

42 ~~(B) January 15, for a primary election or a special election~~

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1 ordered under IC 3-12-8-17 or IC 3-12-11-18 following the
 2 general election;
 3 ~~(2)~~ (1) be:
 4 (A) mailed; or
 5 (B) transmitted by fax; or
 6 (C) transmitted by electronic mail with a scanned image of
 7 the application;
 8 upon request, to a voter applying by mail, by telephone, by
 9 electronic mail, or by fax; and
 10 ~~(2)~~ (2) be delivered to a voter in person who applies at the circuit
 11 court clerk's office.
 12 (c) The county election board shall:
 13 (1) accept; and
 14 (2) transmit;
 15 applications for absentee ballots under subsection (a) by fax or
 16 electronic mail, if the county election board has access to a fax
 17 machine or electronic mail. A county election board shall accept an
 18 application for an absentee ballot transmitted by fax even though the
 19 application is delivered to the county election board by a person other
 20 than the person submitting the application.
 21 SECTION 57. IC 3-11-4-5.1, AS AMENDED BY P.L.1-2006,
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2008]: Sec. 5.1. (a) The commission shall prescribe the
 24 form of an application for an absentee ballot.
 25 (b) This subsection does not apply to the form for an absentee ballot
 26 application to be submitted by an absent uniformed services voter or
 27 overseas voter that contains a standardized oath for those voters. The
 28 form of the application for an absentee ballot must do all of the
 29 following:
 30 (1) Require the applicant to swear to or affirm under the penalties
 31 of perjury that all of the information set forth on the application
 32 is true to the best of the applicant's knowledge and belief.
 33 (2) Require a person who assisted with the completion of the
 34 application to swear to or affirm under the penalties of perjury the
 35 statements set forth in section 2(f) of this chapter.
 36 (3) Set forth the penalties for perjury.
 37 (c) The form prescribed by the commission shall require that a voter
 38 who:
 39 (1) requests an absentee ballot; and
 40 (2) is eligible to vote in the precinct under IC 3-10-11 or
 41 IC 3-10-12;
 42 must include the affidavit required by IC 3-10-11 or a written

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affirmation described in IC 3-10-12.

(d) The form prescribed by the commission must require that a voter who requests an absentee ballot provide one (1) of the following:

(1) A description of and the identification number for the proof of identification the voter would submit if the voter were voting in person.

(2) The last four (4) digits of the voter's Social Security number, if:

(A) the voter does not provide a description of the proof of identification; or

(B) the proof of identification does not have an identification number.

(e) This subsection applies after December 31, 2007. The form prescribed by the commission must include a statement that permits an applicant to indicate whether:

(1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and

(2) the applicant's legal residence is at the address set forth in the applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address at which the applicant resides and to which the absentee ballot is to be mailed.

SECTION 58. IC 3-11-4-17, AS AMENDED BY P.L.198-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 17. Upon receipt of an application for an absentee ballot, a circuit court clerk shall file the application in the clerk's office and record all of the following:

(1) The voter's name.

(2) The date the application is received.

(3) The information required under section 5.1(d) of this chapter to be provided by the voter.

~~(3)~~ (4) The date the ballot is sent to the voter.

~~(4)~~ (5) If mailed, the address to which the ballot is sent.

~~(5)~~ (6) If transmitted by fax, the fax number to which the ballot is faxed.

~~(6)~~ (7) The date the ballot is marked before the clerk or otherwise received from the voter.

~~(7)~~ (8) The combined total number of absentee ballots sent by the county to absent uniformed services voters and overseas voters.

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~~(8)~~ (9) The total number of absentee ballots returned by voters described in subdivision ~~(7)~~ (8) in time to be counted.

~~(9)~~ (10) The total number of absentee ballots described in subdivision ~~(7)~~ (8) that were counted in whole or in part.

~~(10)~~ (11) Any other information that is necessary or advisable.

SECTION 59, IC 3-11-4-17.5, AS AMENDED BY P.L.164-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

(1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;

(2) the information set forth on the application appears to be true; and

(3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d),~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the

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absentee ballot be mailed.

The notice must include information telling the applicant how the application can be corrected and can be approved, if possible.

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

(1) is a voter of the precinct according to the registration record;

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and

(3) provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 60. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required

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under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. **If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and that this application is pending under IC 3-7-33, the ballot shall be mailed in accordance with the applicable deadline set forth in subdivision (1) or (2) after the registration application is approved.**

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

- (1) must be mailed:
 - (A) on the day of the receipt of the voter's application; or
 - (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 61. IC 3-11-8-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, ~~or IC 3-10-12. or at a special voting poll under section 6.5 of this chapter.~~

SECTION 62. IC 3-11-8-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order.

~~(c) The county executive shall then file the report required by section 6.5 of this chapter concerning polls that are inaccessible to voters with disabilities.~~

SECTION 63. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must include the following information:

~~(1) For each precinct, state whether the polls are located in an accessible facility.~~

~~(2) If special polling places are designated under section 6.5 of this chapter:~~

~~(A) the location of each special polling place; and~~

~~(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.~~

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires

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after the election.

SECTION 64. IC 3-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~Except as provided in section 6.5 of this chapter,~~ The county executive shall locate the polls for each precinct in an accessible facility.

SECTION 65. IC 3-11-8-22.1, AS ADDED BY P.L.164-2006, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22.1. (a) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who produces a certificate of ~~error~~ **voter registration** issued under IC 3-7-48-1.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(b) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who makes an oral or a written affirmation in compliance with IC 3-7-48-5 that the voter continues to reside in the precinct at the address shown as the voter's former residence in the voter registration record.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(c) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who produces a registration receipt that complies with IC 3-7-48-7.

If the county election board provides the precinct election board with the information required under IC 3-7-48-7(a)(2) and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(d) This subsection applies to a voter:

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(1) whose name does not appear on the poll list for the precinct;
and

(2) who is not described by subsection (a), (b), or (c).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

(e) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who no longer resides in the precinct but is entitled to vote at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

If the voter executes an affidavit in compliance with IC 3-10-10, IC 3-10-11, or IC 3-10-12 and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot if the voter wishes to cast a ballot.

(f) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who is not described in subsection (e).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

SECTION 66. IC 3-11-8-23, AS AMENDED BY P.L.164-2006, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

(1) A statement that the voter is a citizen of the United States.

(2) The voter's date of birth to the best of the voter's information and belief.

(3) A statement that the voter has been a resident of the precinct

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for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

(4) The voter's name and a statement that the voter is generally known by that name.

(5) A statement that the voter has not voted and will not vote in any other precinct in this election.

(6) The voter's occupation.

(7) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.

(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

(9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by

~~(A) IC 3-7-13-10. or~~

~~(B) IC 3-7-36-11; if the voter registered under that section.~~

SECTION 67. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a ~~member of the precinct election board~~ **officer** shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

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(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing

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the voter's current residence address on the poll list.

SECTION 68. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 69. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election ~~boards to board shall vote the~~ ballots **received** during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the

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1 closing of the polls, the board shall:

- 2 (1) attempt to contact the precinct election board to inform the
 3 board regarding the content of the supplemental list; and
 4 (2) file a copy of the supplemental list for that precinct as part of
 5 the permanent records of the board.

6 (e) This subsection applies to a special write-in absentee ballot
 7 described in:

- 8 (1) 42 U.S.C. 1973ff for federal offices; and
 9 (2) IC 3-11-4-12(a) for state offices.

10 If the county election board receives both a special write-in absentee
 11 ballot and the regular absentee ballot described by IC 3-11-4-12 from
 12 the same voter, the county election board shall reject the special
 13 write-in ballot and deliver only the regular absentee ballot to the
 14 precinct election board.

15 SECTION 70. IC 3-11-10-14, AS AMENDED BY P.L.198-2005,
 16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2007]: Sec. 14. **(a) Subject to IC 3-10-8-7.5 and section 11**
 18 **of this chapter, absentee ballots received by mail (or by fax or**
 19 **electronic mail under IC 3-11-4-6) after the county election board has**
 20 **started the final delivery of the ballots to the precincts on election day**
 21 **shall be delivered to the county election board for counting.**

22 **(b) An absentee ballot delivered to the county election board**
 23 **under subsection (a) shall be counted by the county election board**
 24 **if the ballot is not otherwise successfully challenged under this title.**

25 **(c) The election returns from the precinct shall be adjusted to**
 26 **reflect the votes on an absentee ballot required to be counted under**
 27 **subsection (b).**

28 **(d) Except as provided in subsection (e), absentee ballots**
 29 **received by the county election board after the close of the polls on**
 30 **election day are considered as arriving too late and need may not be**
 31 **delivered to the polls: counted.**

32 **(e) Absentee ballots received by the precinct election board as**
 33 **described in section 12(b) of this chapter after the close of the polls**
 34 **shall be returned to the county election board and be counted as**
 35 **provided in this section.**

36 SECTION 71. IC 3-11-10-22, AS AMENDED BY P.L.109-2005,
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2008]: Sec. 22. (a) If an absentee ballot is challenged
 39 under section 21 of this chapter, the absentee voter's application for an
 40 absentee ballot shall be considered as the affidavit required to be made
 41 by a voter when challenged at the polls while voting in person.

42 (b) Except as provided in subsection (c), the challenge procedure

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under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is ~~not~~ required to provide ~~proof of identification~~; **the information described in IC 3-11-4-5.1(d).**

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot shall be placed in the ballot box.

SECTION 72. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee

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ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).

SECTION 73. IC 3-11-13-31.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.6. Whenever a ballot card voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 74. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate columns or pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second

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highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. **A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.**

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of

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1 candidates to be elected) candidate(s) of ANY party for this office.".

2 (j) Candidates for election to at-large seats on the governing body
3 of a school corporation must be grouped:

4 (1) under the name of the office that the candidates are seeking;
5 and

6 (2) in alphabetical order according to surname.

7 A statement reading substantially as follows must be placed
8 immediately below the name of the office and above the name of the
9 first candidate: "Vote for not more than (insert the number of
10 candidates to be elected) candidate(s) for this office.".

11 (k) The cautionary statement described in IC 3-11-2-7 must be
12 placed at the top or beginning of the ballot label before the first office
13 is listed.

14 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and
15 IC 3-11-2-10(d) may be:

16 (1) placed on the ballot label; or

17 (2) posted in a location within the voting booth that permits the
18 voter to easily read the instructions.

19 (m) The ballot label must include a touch sensitive point or button
20 for voting a straight political party or independent ticket (described in
21 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
22 must be identified by:

23 (1) the name of the political party or independent ticket; and

24 (2) immediately below or beside the political party's or
25 independent ticket's name, the device of that party or ticket
26 (described in IC 3-11-2-5).

27 The name and device of each party or ticket must be of uniform size
28 and type, and arranged in the order established by subsection (g) for
29 listing candidates under each office. The instructions described in
30 IC 3-11-2-10(b) for voting a straight party ticket and the statement
31 concerning presidential electors required under IC 3-10-4-3 may be
32 placed on the ballot label or in a location within the voting booth that
33 permits the voter to easily read the instructions.

34 (n) A public question must be in the form described in
35 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
36 point or button must be used instead of a square. Except as expressly
37 authorized or required by statute, a county election board may not print
38 a ballot label that contains language concerning the public question
39 other than the language authorized by a statute.

40 (o) The requirements in this section:

41 (1) do not replace; and

42 (2) are in addition to;

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any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 75. IC 3-11-14-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 76. IC 3-11-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each application for certification of a voting system shall be accompanied by a fee of one thousand five hundred dollars (\$1,500). **All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.**

SECTION 77. IC 3-11-17-2, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently sells, leases, installs, implements, or permits the use of a voting system ~~in an election conducted in Indiana~~ in violation of this title is subject to a civil penalty under this chapter.

SECTION 78. IC 3-11-17-3, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** If the secretary of state determines that a vendor is subject to a civil penalty under section 2 of this chapter, the secretary of state may assess a civil penalty. The civil penalty assessed under this section may not exceed three hundred thousand dollars (\$300,000), plus any investigative costs incurred and documented by the secretary of state.

(b) In computing the maximum civil penalty that may be assessed under subsection (a), if a violation occurs in more than one (1) county, the violation is considered a separate violation in each county in which the violation occurs.

SECTION 79. IC 3-11-17-4, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The secretary of state is **not** subject to IC 4-21.5

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in imposing a civil penalty under this chapter.

SECTION 80. IC 3-11-17-6, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The voting system technical oversight program account is established with the state general fund to provide money for:

(1) administering and enforcing IC 3-11-7, IC 3-11-7.5, IC 3-11-15, IC 11 3-11-16, and this chapter **by the secretary of state and the election division; and**

(2) the investigation by the secretary of state of alleged violations of this title.

(b) The election division shall administer the account. With the approval of the budget agency, funds in the account are available to augment and supplement the funds appropriated to the **secretary of state or the election division** for the purposes described in this section.

(c) The expenses of administering the account shall be paid from the money in the account.

(d) The account consists of the following:

(1) All civil penalties collected under this chapter.

(2) Fees collected under IC 3-11-15-4.

(3) Contributions to the account made in accordance with a settlement agreement executed with a voting system vendor.

(e) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(f) All money in the account is continuously appropriated for the purposes specified in subsection (a).

SECTION 81. IC 3-11-17.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17.5. Audits to Determine Compliance With Federal and State Election Record Retention Requirements

Sec. 1. Beginning January 1, 2008, the secretary of state shall conduct audits of the status of precinct election material retained by a circuit court clerk under IC 3-10-1-31 and IC 3-10-1-31.1.

Sec. 2. The secretary of state shall determine whether the precinct election material has been preserved in compliance with 42 U.S.C. 1974 and this title.

Sec. 3. Not later than the first Monday of June each year, the secretary of state shall randomly select one percent (1%) of all precincts in Indiana to be audited under this chapter.

Sec. 4. If the secretary of state determines that precinct election material is not being preserved in compliance with 42 U.S.C. 1974

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1 **and this title, the secretary of state shall provide a written report**
 2 **describing the noncompliance or any other observation concerning**
 3 **compliance with other election laws noted during the audit to the**
 4 **county election board of the county that is responsible for the**
 5 **precinct election material.**

6 SECTION 82. IC 3-11-18-5, AS ADDED BY P.L.164-2006,
 7 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality
 9 described in subsection (b), a plan must provide a vote center for use
 10 by voters residing in each municipality within the county conducting
 11 a municipal primary or a municipal election.

12 (b) ~~A vote center may not be used~~ In a municipal primary or
 13 municipal election conducted within a municipality that is partially
 14 located in a county that has ~~not~~ been designated a vote center pilot
 15 county, **a vote center may not be used by a voter who does not**
 16 **reside within that part of the municipality that is located in the**
 17 **county that has been designated a vote center pilot county.**

18 SECTION 83. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005,
 19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2007]: Sec. 10. Subject to section 7 of this chapter, absentee
 21 ballots received by mail (or by fax or electronic mail under
 22 IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are
 23 considered as arriving too late and may not be counted.

24 SECTION 84. IC 3-11.5-4-16, AS AMENDED BY P.L.164-2006,
 25 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JANUARY 1, 2008]: Sec. 16. (a) If an absentee ballot is
 27 challenged under section 15 of this chapter, the absentee voter's
 28 application for an absentee ballot shall be considered as the affidavit
 29 required to be made by a voter when challenged at the polls while
 30 voting in person.

31 (b) Except as provided in subsection (c), the challenge procedure
 32 under this section is the same as though the ballot was cast by the voter
 33 in person.

34 (c) An absentee voter is ~~not~~ required to provide ~~proof of~~
 35 ~~identification; the information described in IC 3-11-4-5.1(d).~~

36 (d) If a proper affidavit by a qualified person in the form required by
 37 IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if
 38 the absentee voter had personally appeared, the couriers shall return the
 39 affidavit to the county election board in the same envelope as the
 40 certificate returned under section 9 of this chapter.

41 (e) The absentee ballot cast by the challenged voter shall be counted
 42 if the county election board makes the findings required under section

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1 ~~11~~ **12** of this chapter.

2 SECTION 85. IC 3-11.5-4-18 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If a voter has not
4 returned an absentee ballot, the voter may vote in person. However,
5 before the voter may vote, the voter must return the ballot to the
6 **precinct election board or the** county election board. The absentee
7 ballot shall be marked "canceled" and preserved with the rejected
8 ballots.

9 SECTION 86. IC 3-11.5-5-14, AS AMENDED BY P.L.198-2005,
10 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2007]: Sec. 14. (a) This section applies to the counting of
12 write-in absentee ballots for:

13 (1) a federal office received under 42 U.S.C. 1973ff; and

14 (2) a federal office, state office, or public question under
15 IC 3-11-4-12(a).

16 (b) If a voter writes an abbreviation, a misspelling, or other minor
17 variation instead of the correct name of a candidate or political party,
18 that vote shall be counted if the intent of the voter can be determined.

19 (c) If a voter casts a ballot under this section for President or Vice
20 President and writes in the name of a candidate or political party that
21 has not:

22 (1) certified a list of electors under IC 3-10-4-5; **or**

23 (2) **included a list of electors on the declaration of intent to be**
24 **a write-in candidate filed by a write-in candidate under**
25 **IC 3-8-2-2.5;**

26 the vote for President or Vice President is void. The remaining votes on
27 the ballot may be counted.

28 **(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided**
29 **in this section, an absentee ballot subject to this section shall be**
30 **submitted and processed in the same manner provided by this title**
31 **for a regular absentee ballot.**

32 ~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

33 ~~(e)~~ (f) **As required under 42 U.S.C. 1973ff-2(b),** a ballot subject
34 to this section may not be counted if:

35 (1) the ballot was submitted:

36 **(A) by an overseas voter who is not an absent uniformed**
37 **services voter; and**

38 **(B) from within the United States;**

39 (2) the **overseas** voter's application for a regular absentee ballot
40 was received by the ~~circuit court clerk~~ **or county election** board
41 **of registration** less than thirty (30) days before the election;

42 (3) the voter's completed regular state absentee ballot was

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received by the ~~circuit court clerk or county election~~ board of registration by the deadline for receiving absentee ballots under IC 3-11.5-4-7; or

(4) the ballot subject to this section was not received by the ~~circuit court clerk or county election~~ board of registration by the deadline for receiving absentee ballots under IC 3-11.5-4-7.

SECTION 87. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

(A) whose name does not appear on the registration list; and

(B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of ~~error~~ voter registration under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11, if the voter registered under that section);~~ and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

SECTION 88. IC 3-12-2-7.5, AS AMENDED BY P.L.198-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.5. (a) This section applies to the counting of

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1 write-in absentee ballots for:

2 (1) a federal office received under 42 U.S.C. 1973ff; and

3 (2) a federal office, state office, or public question under
4 IC 3-11-4-12.

5 (b) If a voter writes an abbreviation, misspelling, or other minor
6 variation instead of the correct name of a candidate or political party,
7 that vote shall be counted if the intent of the voter can be determined.

8 (c) If a voter casts a ballot under this section for President or Vice
9 President of the United States and writes in the name of a candidate or
10 political party that has not:

11 (1) certified a list of electors under IC 3-10-4-5; or

12 (2) included a list of electors on the declaration for candidacy
13 filed by a write-in candidate under IC 3-8-2-2.5;

14 the vote for President or Vice President is void. The remaining votes on
15 the ballot may be counted.

16 **(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided**
17 **in this section, an absentee ballot subject to this section shall be**
18 **submitted and processed in the same manner provided by this title**
19 **for a regular absentee ballot.**

20 ~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

21 ~~(e)~~ **(f) As required under 42 U.S.C. 1973ff-2(b),** a ballot subject
22 to this section may not be counted if:

23 (1) the ballot was submitted:

24 (A) by an overseas voter who is not an absent uniformed
25 services voter; and

26 (B) from within the United States;

27 **(2) the overseas voter's application for a regular absentee**
28 **ballot was received by the county election board less than**
29 **thirty (30) days before the election;**

30 ~~(2)~~ **(3)** the voter's completed regular state absentee ballot was
31 received by the county election board by the deadline for
32 receiving absentee ballots under IC 3-11-10-11; or

33 ~~(3)~~ **(4)** the ballot subject to this section was not received by the
34 county election board by the deadline for receiving absentee
35 ballots under IC 3-11-10-11.

36 SECTION 89. IC 3-12-4-18, AS AMENDED BY P.L.221-2005,
37 SECTION 105, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems
39 are used in a precinct, the county election board may, ~~request~~
40 ~~authorization from the state recount commission to~~ **upon the adoption**
41 **of an order by unanimous vote of the entire membership of the**
42 **board,** inspect the registering counter or other recording device on any

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1 electronic voting system showing the number of votes cast for any
 2 candidate or public question. ~~If authorized by the state recount~~
 3 ~~commission~~; The board may conduct an inspection, **after filing notice**
 4 **of the order authorizing the inspection with the secretary of state**,
 5 either before it proceeds to count and tabulate the vote or within one
 6 (1) day after the count and tabulation are finished.

7 SECTION 90. IC 3-12-6-10 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each
 9 petitioner shall furnish a cash deposit or file a bond with corporate
 10 surety to the approval of the court for the payment of all costs of the
 11 recount. The minimum amount of the cash deposit or bond is one
 12 hundred dollars (\$100). **The maximum amount of the cash deposit**
 13 **or bond may not exceed the amount specified under subsection (b)**
 14 **or (c).**

15 (b) This subsection applies if, on the face of the election returns, the
 16 difference between the number of votes cast for the candidate
 17 nominated or elected and the petitioner is not more than one percent
 18 (1%) of the total votes cast for all candidates for the nomination or
 19 office. If the number of precincts to be recounted exceeds ten (10), the
 20 amount of the deposit or bond shall be increased by ten dollars (\$10)
 21 for each precinct in excess of ten (10).

22 (c) This subsection applies if, on the face of the election returns, the
 23 difference between the number of votes cast for the candidate
 24 nominated or elected and the petitioner is more than one percent (1%)
 25 of the total votes cast for all candidates for the nomination or office. If
 26 the number of precincts to be recounted exceeds ten (10), the amount
 27 of the deposit or bond shall be increased by one hundred dollars (\$100)
 28 for each precinct in excess of ten (10).

29 (d) If a petition is joint, a joint bond may be furnished.

30 (e) The costs of a recount may include the following:

31 (1) Compensation of recount commissioners.

32 (2) Compensation of additional employees required to conduct the
 33 recount, including overtime payments to regular employees who
 34 are eligible to receive such payments.

35 (3) Postage and telephone charges directly related to the recount.

36 (f) The costs of a recount may not include the following:

37 (1) General administrative costs.

38 (2) Security.

39 (3) Allowances for meals or lodging.

40 (g) If the recount results in a reduction of at least fifty percent (50%)
 41 but less than one hundred percent (100%) of the margin of the total
 42 certified votes, the petitioner shall receive a refund of that percentage

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of the unexpended balance. If after a recount, it is determined that a petitioner has been nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.

(h) Any unexpended balance remaining in a deposit after payment of all costs of the recount and the refund, if a refund is made, shall be deposited in the county general fund.

SECTION 91. IC 3-13-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as provided in section 18 or 20 of this chapter **or IC 3-10-8-7.5**, this chapter applies to the filling of a candidate vacancy that arises for any reason if the vacancy leaves a major political party without a candidate for the office and occurs before the thirtieth day before a general, special, or municipal election.

SECTION 92. IC 3-13-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Except as provided in IC 3-10-8-7.5**, a candidate vacancy for United States Representative shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the congressional district.

SECTION 93. IC 3-13-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

(1) the chairman of the caucus **or committee conducting a meeting under this chapter**; and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus **or committee meeting**.

(b) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 94. IC 3-13-1-11 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) At a meeting
2 called under section 7 of this chapter, the eligible participants shall:

- 3 (1) establish the ~~caucus~~ rules of procedure **for the caucus or**
4 **meeting**, except as otherwise provided in this chapter; and
5 (2) select, by a majority vote of those casting a vote for a
6 candidate, a person to fill the candidate vacancy described in the
7 call for the meeting.

8 (b) If more than one (1) person seeks to fill the vacancy, the
9 selection shall be conducted by secret ballot.

10 SECTION 95. IC 3-13-1-21 IS ADDED TO THE INDIANA CODE
11 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
12 UPON PASSAGE]: **Sec. 21. (a) This section applies to a certificate**
13 **of candidate selection filed under section 15 or 20 of this chapter.**

14 **(b) To enforce the requirements of IC 3-5-4-1.9, the election**
15 **division, a circuit court clerk, or any other official responsible for**
16 **receiving a certificate of candidate selection may not receive a**
17 **filing of a certificate of candidate selection if:**

- 18 (1) **a notice of a caucus or meeting;**
19 (2) **a declaration of candidacy filed by the individual selected**
20 **as the candidate; or**
21 (3) **the certificate of candidate selection;**

22 **is or was offered to be filed after the deadline for the filing**
23 **provided by this chapter.**

24 SECTION 96. IC 3-13-5-3 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The state
26 chairman **(or a person designated by the state chairman)** shall
27 preside over a caucus meeting held under this chapter.

28 (b) A person who desires to be a candidate to fill a vacancy under
29 this chapter must file:

- 30 (1) a declaration of candidacy with the chairman of the caucus;
31 and
32 (2) a statement of economic interests under IC 2-2.1-3-2 with the
33 secretary of the senate or principal clerk of the house of
34 representatives;

35 at least seventy-two (72) hours before the time fixed for the caucus.

36 (c) In addition to the procedures prescribed by this chapter, the
37 chairman and precinct committeemen may adopt rules of procedure
38 that are necessary to conduct business.

39 SECTION 97. IC 3-14-2-1, AS AMENDED BY P.L.103-2005,
40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2007]: Sec. 1. A person who knowingly does any of the
42 following commits a Class D felony:

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(1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.

(2) Conspires with an individual for the purpose of encouraging the individual to vote illegally.

(3) Pays or offers to pay an individual for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Requesting that another individual sign a petition to permit a candidate or a public question to be placed on the ballot at an election if the payment is based on the number of signatures obtained on petitions by the individual.

~~(D)~~ (E) Voting.

(4) Accepts the payment of any property for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Requesting that another individual sign a petition to permit a candidate or a public question to be placed on the ballot at an election if the payment is based on the number of signatures obtained on petitions by the individual.

~~(D)~~ (E) Voting.

SECTION 98. IC 3-14-2-29, AS AMENDED BY P.L.103-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A person who knowingly inspects a voting system under IC 3-12-4-18 without: ~~obtaining authorization from the state recount commission~~

(1) the adoption of an order under IC 3-12-4-18 to conduct the inspection; or

(2) the filing of an order adopted under IC 3-12-4-18 with the secretary of state;

commits a Class D felony.

SECTION 99. IC 4-8.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a) The individual elected as treasurer of state shall take office on January 1 following the individual's election.**

(b) The treasurer of state and his deputy treasurers shall each give bond in an amount determined by the auditor of state and the governor. The bond shall be conditioned on the faithful performance of the duties as treasurer of state and deputy treasurer, respectively. The bond must

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be procured from a surety company authorized by law to transact business in this state.

SECTION 100. IC 5-10.1-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 9. (a) The agreement shall be modified to exclude services performed by an election official or an election worker for calendar year 2007 in which the remuneration paid for such services is less than one thousand three hundred dollars (\$1,300), and for each calendar year after 2007 in which the remuneration paid is less than the adjusted amount, as described in subsection (b), beginning with services performed in the year that this modification was mailed or delivered by other means to the Commissioner of Social Security.**

(b) The one thousand three hundred dollar (\$1,300) limit on the excludable amount of remuneration paid in a calendar year for the services specified in this modification will be subject to adjustment for calendar years after 2007 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

(c) This exclusion applies to all coverage groups of the state and its political subdivisions currently (as of the date this modification is executed), including under this agreement and to which the agreement is hereafter made applicable.

SECTION 101. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.**

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under IC 5-10.3-7-2(1), "vested status" means the status of having:

- (1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;**
- (2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or**
- (3) at least ten (10) years of creditable service as a member of the**

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fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as Auditor of State, Secretary of State, or Treasurer of State, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual shall be vested if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015.

SECTION 102. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A manager or an employee may use any of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

(1) Hand delivery to the county voter registration office.

(2) ~~Certified mail; return receipt requested.~~ **Delivery by the United States Postal Service, using first class mail.**

(b) A county voter registration office:

(1) shall process a voter registration application transmitted in electronic format from a license branch; and

(2) is not required to receive the paper copy of a voter registration application from a license branch before:

(A) approving or denying the application; and

(B) mailing a notice of approval or denial to the applicant.

SECTION 103. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~(a) The co-directors of the election division shall provide the commission with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of county voter registration office in each county. The commission shall promptly forward the list and each revision of the list to each license branch.~~

~~(b) The co-directors of the election division shall provide the commission with pre-addressed packets for the commission to transmit applications under section 6(1) or 6(2) of this chapter.~~

SECTION 104. IC 16-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The state department shall charge and collect a fee of eight dollars (\$8) for each

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1 search of the records in the division of vital records. If the requested
2 record is found, one (1) certification of the record will be issued
3 without charge. Additional certifications of the same record will be
4 issued at that time for an additional fee of four dollars (\$4) for each
5 record.

6 (b) The state department shall charge and collect an additional fee
7 of eight dollars (\$8) for any amendment to a record previously filed
8 with the division of vital records.

9 (c) Verification without charge will be issued to an agency of local,
10 state, or federal government upon written request by the agency.

11 **(d) Verification and issuance of a certification or amendment of**
12 **a record under this section must be issued without the payment of**
13 **a fee or charge to an individual who:**

14 **(1) does not have a valid Indiana driver's license; and**

15 **(2) will be at least eighteen (18) years of age at the next**
16 **general, municipal, or special election.**

17 SECTION 105. IC 16-37-1-11.5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.5. (a) In addition to
19 the fee charged by the state department under section 11 of this chapter
20 for a search of the records in the division of vital records, the state
21 department shall charge a birth problems registry fee of two dollars
22 (\$2) for each search of the records for a birth certificate. The fees
23 collected under this section shall be deposited in the birth problems
24 registry fund established by IC 16-38-4-17.

25 **(b) Verification must be issued without the payment of a birth**
26 **problems registry fee under this section to an individual who:**

27 **(1) does not have a valid Indiana driver's license; and**

28 **(2) will be at least eighteen (18) years of age at the next**
29 **general, municipal, or special election.**

30 SECTION 106. IC 20-23-8-10, AS ADDED BY P.L.1-2005,
31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2007]: Sec. 10. (a) A change in a plan may be initiated by one
33 (1) of the following procedures:

34 (1) By filing a petition signed by at least ~~twenty~~ **ten** percent
35 ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of
36 the school corporation with the clerk of the circuit court.

37 (2) By a resolution adopted by the governing body of the school
38 corporation.

39 (3) By ordinance adopted by a city legislative body under section
40 13 of this chapter.

41 (b) A petition, resolution, or ordinance must set forth a description
42 of the plan that conforms with section 7 of this chapter.

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(c) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.

SECTION 107. IC 20-23-8-14, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than ten (10) days after a governing body has:

- (1) initiated;
- (2) approved; or
- (3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

- (1) A petition protesting a plan shall be signed by at least **twenty ten percent (20%) (10%)** of the **active voters (as defined in IC 3-5-2-1.7)** of the school corporation or five hundred (500) voters of the school corporation, whichever is less.
- (2) A petition submitting an alternative plan ~~shall~~ **must** be signed by at least **twenty ten percent (20%) (10%)** of the **active voters (as defined in IC 3-5-2-1.7)** of the school corporation.

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A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

(1) adoption;

(2) defeat at a special election held under section 16 of this chapter; or

(3) combination with another plan by the state board under section 15 of this chapter.

SECTION 108. IC 36-2-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The auditor may administer the following:

(1) Oaths necessary in the performance of the auditor's duties.

(2) The oath of office to an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.

(3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.

(4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages executed for the security of trust funds the auditor is required to lend.

SECTION 109. IC 36-5-1-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

(1) provide that:

(A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or

(B) divide the town into not less than three (3) nor more than seven (7) districts; and

(2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. ~~If on the date that an ordinance was adopted under this section, absentee ballots for a general or municipal election~~

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1 have been delivered under IC 3-11-4-15 for voters within a precinct in
 2 the town, is not later than June 1 of a general or municipal election
 3 year, the election must be conducted on the date of the next general or
 4 municipal election held in any precincts in the county after the election
 5 for which absentee balloting is being conducted. However, a primary
 6 election may not be conducted before an election conducted under this
 7 section, regardless of the population of the town.

8 (b) Districts established by an ordinance adopted under this section
 9 must comply with IC 3-11-1.5.

10 (c) If any territory in the town is not included in one (1) of the
 11 districts established under this section, the territory is included in the
 12 district that:

13 (1) is contiguous to that territory; and

14 (2) contains the least population of all districts contiguous to that
 15 territory.

16 (d) If any territory in the town is included in more than one (1) of
 17 the districts established under this section, the territory is included in
 18 the district that:

19 (1) is one (1) of the districts in which the territory is described in
 20 the ordinance adopted under this section;

21 (2) is contiguous to that territory; and

22 (3) contains the least population of all districts contiguous to that
 23 territory.

24 (e) Except as provided in subsection (f), an ordinance adopted under
 25 this section becomes effective when filed with:

26 (1) the office of the secretary of state; and

27 (2) the circuit court clerk of each county in which the town is
 28 located.

29 (f) An ordinance incorporating a town under this section may not
 30 take effect during the year preceding a year in which a federal
 31 decennial census is conducted. An ordinance under this section that
 32 would otherwise take effect during the year preceding a year in which
 33 a federal decennial census is conducted takes effect January 2 of the
 34 year in which a federal decennial census is conducted.

35 (g) Proceedings to incorporate a town across county boundaries
 36 must have the approval of the county executive of each county that
 37 contains a part of the proposed town. Each county that contains a part
 38 of the proposed town must adopt identical ordinances providing for the
 39 incorporation of the town.

40 SECTION 110. THE FOLLOWING ARE REPEALED
 41 [EFFECTIVE UPON PASSAGE]: IC 3-5-4-6; IC 3-7-36-11;
 42 IC 3-11-3-4; IC 3-11-8-6.5; IC 3-11-11-1.5; IC 3-11-11-1.6.

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1 SECTION 111. IC 3-11-10-1.2 IS REPEALED [EFFECTIVE
2 JANUARY 1, 2008].

3 SECTION 112. [EFFECTIVE UPON PASSAGE] (a) The
4 definitions in IC 3-5-2 apply throughout this SECTION.

5 (b) This SECTION applies to a proposed precinct establishment
6 order that:

7 (1) was filed with the election division not later than January
8 31, 2007;

9 (2) received technical comments that were transmitted from
10 the office to the election division not later than January 31,
11 2007, concerning all or a portion of the order; and

12 (3) was not approved by the commission or the election
13 division under IC 3-11-1.5 before February 1, 2007.

14 (c) Before September 1, 2007:

15 (1) the commission; or

16 (2) the election division;

17 may approve a proposed precinct establishment order described in
18 subsection (b) that has been revised by the election division in
19 response to technical comments or to ensure compliance with state
20 law.

21 (d) Notwithstanding IC 3-11-1.5-25, a precinct establishment
22 order approved under this SECTION is effective following:

23 (1) the adoption of the order by the county executive under
24 IC 3-11-1.5-18(e); or

25 (2) the approval of the order by the commission under
26 IC 3-11-1.5-18(f).

27 (e) This SECTION expires December 31, 2007.

28 SECTION 113. [EFFECTIVE UPON PASSAGE] (a) IC 3-11-17-2,
29 IC 3-11-17-3, and IC 3-11-17-4, all as amended by this act, apply
30 to a violation that occurs after June 30, 2007.

31 (b) This SECTION expires July 1, 2012.

32 SECTION 114. [EFFECTIVE JULY 1, 2007] (a) A form
33 prescribed by the Indiana election commission and acceptable for
34 use by a candidate before July 1, 2007, under IC 3-8-2-2.5,
35 IC 3-8-5-10.5, or IC 3-8-6-12, before their amendment by this act,
36 is acceptable for use by a candidate after June 30, 2007.

37 (b) This SECTION expires January 1, 2008.

38 SECTION 115. [EFFECTIVE JULY 1, 2007] (a) The definitions
39 in IC 3-5-2 apply throughout this SECTION.

40 (b) An envelope printed before July 1, 2007, in conformity with
41 IC 3-11-10-8, before its amendment by this act, may continue to be
42 used by a county election board until December 31, 2007. An

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1 envelope used under IC 3-11-10-8 after December 31, 2007, must
 2 comply with IC 3-11-10-8, as amended by this act.
 3 (c) This SECTION expires December 31, 2008.
 4 SECTION 116. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1804, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40.5. "Proof of identification" refers to a document that satisfies all the following:

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:
 - (A) is not expired; or
 - (B) expired after the date of the most recent general election.
- (4) The document was issued by **any of the following:**
 - (A) The United States. **or Notwithstanding subdivision (3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:**
 - (i) otherwise complies with the requirements of this section; and
 - (ii) has no expiration date or states that the document has an indefinite expiration date;**is sufficient proof of identification for purposes of this title.**
 - (B) The state of Indiana.
 - (C) An approved institution of higher learning (as defined in IC 20-12-21-3).

SECTION 2. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) **This section applies to an absentee ballot cast by an individual confined in a long term care facility.**

(b) **A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record.**

SECTION 3. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in a primary election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. is not required to provide proof of identification before voting in a primary election.

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed."

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 5. IC 3-11-3-22, AS AMENDED BY P.L.164-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, ~~braille~~, and any

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other language that the board considers necessary, the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

- (1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and
- (2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

SECTION 6. IC 3-11-4-17.5, AS AMENDED BY P.L.164-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true; and
- (3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

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(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d);~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

The notice must include information telling the applicant how the application can be corrected and can be approved, if possible.

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

(1) is a voter of the precinct according to the registration record;

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and

(3) provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

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the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 7. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in an election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. is not required to provide proof of identification before voting in an election.

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

- (i) indigent; and**
- (ii) unable to obtain proof of identification without the payment of a fee.**

(B) The voter has a religious objection to being photographed.

(f) After a voter has passed the challengers or has been sworn in, the

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voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 8. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a

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county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 9. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a large or carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the name and official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 10. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

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(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election boards ~~to shall~~ vote the ballots **received** during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

- (1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and
- (2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

- (1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and
- (2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

- (1) 42 U.S.C. 1973ff for federal offices; and
- (2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 11. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **(a)** Subject to section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be**

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delivered to the county election board for counting.

(b) An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.

(c) The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).

(d) Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and ~~need~~ may not be delivered to the polls: counted.

(e) Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls shall be returned to the county election board and be counted as provided in this section.

SECTION 12. IC 3-11-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time between the opening and closing of the polls on election day, the inspector, in the presence of the precinct election board, shall do all of the following:

- (1) Open the outer or carrier envelope containing an absentee ballot envelope and application.
- (2) Announce the absentee voter's name.
- (3) Compare the signature upon the ~~application~~ voter's affidavit of registration with the signature upon the affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

SECTION 13. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine~~

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~~(29)~~ **twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or

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(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).

SECTION 14. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the ~~application with the signature upon the affidavit~~ on the ballot envelope or transmitted affidavit **with the signature on the voter's affidavit of registration.**

SECTION 15. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are considered as arriving too late and may not be counted.

SECTION 16. IC 3-11.5-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If a voter has not returned an absentee ballot, the voter may vote in person. However, before the voter may vote, the voter must return the ballot to the **precinct election board or the** county election board. The absentee ballot shall be marked "canceled" and preserved with the rejected ballots.

SECTION 17. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A voter who:

- (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and
- (2) cast a provisional ballot;

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may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c), ~~or (c)~~, if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:~~

~~(1) the voter is the same individual who:~~

~~(A) personally appeared before the precinct election board; and~~

~~(B) cast the provisional ballot on election day; and~~

~~(2) the voter:~~

~~(A) is:~~

~~(i) indigent; and~~

~~(ii) unable to obtain proof of identification without the payment of a fee; or~~

~~(B) has a religious objection to being photographed;~~

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.

~~(c) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the~~

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voter's inability or declination to provide proof of identification, the board shall:

- (1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and
- (2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

~~(f)~~ **(d)** If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

- (1) appear before the county election board; and
- (2) execute an affidavit in the manner prescribed by subsection (b); ~~or (c);~~

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 18. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to votes cast by any method.

(b) Except as provided in section 13 of this chapter, a ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless~~ **shall** be counted ~~in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. ~~by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

SECTION 19. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may ~~request authorization from the state recount commission to~~ inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection either before it proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished.

SECTION 20. IC 5-10.1-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 9. (a) Services**

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performed by an election official or an election worker for calendar year 2007 in which the remuneration paid for such services is less than one thousand three hundred dollars (\$1,300), and for each calendar year after 2007 in which the remuneration paid is less than the adjusted amount, as described in subsection (b), beginning with services performed in the year that this modification was mailed or delivered by other means to the Commissioner of Social Security.

(b) The one thousand three hundred dollar (\$1,300) limit on the excludable amount of remuneration paid in a calendar year for the services specified in this modification will be subject to adjustment for calendar years after 2007 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

(c) This exclusion applies to all coverage groups of the state and its political subdivisions currently (as of the date this modification is executed), including under this agreement and to which the agreement is hereafter made applicable.

SECTION 21. IC 20-23-8-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:

- (1) By filing a petition signed by at least ~~twenty ten~~ percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation with the clerk of the circuit court.
- (2) By a resolution adopted by the governing body of the school corporation.
- (3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.

(c) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred ~~(59,700)~~ but less than sixty-five thousand ~~(65,000)~~, a change in a plan may be initiated by filing a petition signed by ten percent ~~(10%)~~ or more of the voters of the school corporation with the clerk of the circuit court.

SECTION 22. IC 20-23-8-14, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than ten (10) days after a governing body has:

- (1) initiated;

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(2) approved; or

(3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

(1) A petition protesting a plan shall be signed by at least ~~twenty ten~~ percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation or five hundred (500) voters of the school corporation, whichever is less.

(2) A petition submitting an alternative plan ~~shall~~ **must** be signed by at least ~~twenty ten~~ percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

(1) adoption;

(2) defeat at a special election held under section 16 of this chapter; or

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(3) combination with another plan by the state board under section 15 of this chapter.

SECTION 23. IC 3-14-2-29 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 24. **An emergency is declared for this act."**

Delete page 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1804 as introduced.)

PIERCE, Chair

Committee Vote: yeas 8, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1804 be amended to read as follows:

Page 2, line 23, strike "member of the".

Page 2, line 23, strike "board" and insert "**officer**".

Page 7, line 1, strike "member of the".

Page 7, line 1, strike "board" and insert "**officer**".

(Reference is to HB 1804 as printed February 16, 2007.)

RICHARDSON

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred House Bill No. 1804, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. "Active voter" refers to **the following**:

(1) For purposes of voter registration record and voter list

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maintenance purposes under IC 3-7, a voter who satisfies either of the following:

~~(1)~~ **(A)** The voter has registered or voted in any election during the preceding four (4) years at the address indicated on the voter's registration record.

~~(2)~~ **(B)** The voter has not voted in any election during the preceding four (4) years at the address indicated on the voter's registration record and has responded in writing to an address confirmation notice sent under IC 3-7 not later than thirty (30) days after the notice was sent.

(2) For purposes of establishing precinct boundaries in compliance with IC 3-11-1.5, a voter who has registered or voted in any election during the preceding four (4) years at the address indicated on the voter's registration record.

SECTION 2. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.4. "Inactive voter," for voter registration purposes and voter list maintenance purposes under IC 3-7, refers to a voter who:**

- (1) is not an active voter (as defined in IC 3-5-2-1.7(1)); and**
- (2) has been designated as an inactive voter in compliance with the requirements of a voter list maintenance program conducted under IC 3-7."**

Page 1, line 3, after "Sec. 40.5." insert "(a)".

Page 1, line 14, delete "Notwithstanding subdivision (3),".

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 5.

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a)(3), a document issued to an active or a retired member by the United States Department of Defense, a branch of the uniformed services, the Merchant Marines, or the Indiana National Guard that:

- (1) otherwise complies with the requirements of this section;**
- and**
- (2) has no expiration date or states that the document has an indefinite expiration date;**

is sufficient proof of identification for purposes of this title.

SECTION 4. IC 3-5-4-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.2. (a) Whenever this title requires that a document declaring or certifying the candidacy of a person be filed with the election division or the secretary of state as a condition for**

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the filing to be effective:

- (1) a county election board;
- (2) a circuit court clerk;
- (3) a county voter registration office; or
- (4) a town election board;

may not accept the filing on behalf of the election division or the secretary of state.

(b) A county election board, circuit court clerk, county voter registration office, or town election board that accepts a document that must be filed with the election division or the secretary of state as a condition for the filing to be effective:

- (1) may not act as an agent of the election division or the secretary of state; and
- (2) is not required to transmit the filing to the election division or the secretary of state.

(c) If a person described in subsection (b) accepts a document that must be filed with the election division of the secretary of state as a condition for the filing to be effective, the following apply:

- (1) The filing is void.
- (2) The name of a candidate set forth in the filing may not appear on the ballot, unless the document is filed with the election division or the secretary of state in the manner required by this title.

SECTION 5. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.9. (a) **This section does not apply to a delinquent campaign finance filing received under IC 3-9.**

(b) **This section does not apply to an application for voter registration received while registration is closed under IC 3-7.**

(c) Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.

SECTION 6. IC 3-5-4-7, AS AMENDED BY P.L.230-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2005~~ **2007**.

SECTION 7. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) After the state chairman of a political party files a statement with the election division certifying

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that the party's name has been changed in accordance with all applicable party rules, a political party shall be known by the political party's new name, and the party has all the rights it had under its former name.

(b) If the state chairman of a political party files a statement under subsection (a) after the printing of ballots for use at an election conducted under this title has begun, ~~the election division or~~ the election board responsible for printing the ballots is not required to alter the ballots to state the new name of the political party.

SECTION 8. IC 3-6-4.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The codirectors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

- (1) may conduct the meeting before the first day of the year; and
- (2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following **from the county general fund without appropriation:**

- (1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.
- (2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.
- (3) Reimbursement for the payment of the instructional meeting registration fee. ~~from the county general fund without appropriation.~~
- (4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state

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employees in travel status."

Page 2, delete lines 9 through 16.

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 9. IC 3-6-6-39, AS AMENDED BY P.L.230-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

- (1) The individual is at least sixteen (16) years of age but not ~~more than seventeen (17)~~ **eighteen (18)** years of age **or older**.
- (2) The individual is a citizen of the United States.
- (3) The individual is a resident of the county.
- (4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.
- (5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.
- (6) The individual has the approval of the individual's parent or legal guardian.
- (7) The individual has satisfactorily completed any training required by the county election board.
- (8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.

(b) An individual appointed to a precinct election office or assistant under this section:

- (1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and
- (2) while serving as a precinct election officer or assistant:
 - (A) is not required to obtain an employment certificate under IC 20-33-3; and
 - (B) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 10. IC 3-7-13-12, AS AMENDED BY P.L.1-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. Except as otherwise provided in this article, if a county voter registration office receives a properly completed registration application during a time other than the registration period described in section 10 of this chapter, the county voter registration

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office shall enter the data from the application into the computerized list and designate the application as pending in the same manner as other applications received while the registration period was open are designated as pending under IC 3-7-33-5. However, the county voter registration office shall ensure that:

- (1) the notice required under IC 3-7-33-5 is not mailed to the applicant before the first day that the registration period reopens; and
- (2) the registration information provided by the applicant does not appear on any certified list of voters or certificate of ~~error~~ **voter registration** issued under this article.

SECTION 11. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29. ~~However,~~

(b) Except as otherwise provided in this section, the parts and reports provided under this section may not include information described under section 8 of this chapter.

(c) The parts and reports may contain the information described in section 8 of this chapter if:

- (1) the part or report is to be provided to an entity that:**
 - (A) is described in section 6 of this chapter; and**
 - (B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or**
- (2) the part or report is a purely statistical compilation that:**
 - (A) includes the information described in section 8 of this chapter; and**
 - (B) does not include any information:**
 - (i) concerning an individual voter; or**
 - (ii) that would permit the identification of an individual voter as a result of providing the compilation.**

(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.

SECTION 12. IC 3-7-27-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the

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following:

- (1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.
- (2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

- (1) use the information to solicit merchandise, goods, services, or subscriptions; or
- (2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 13. IC 3-7-28-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than thirty (30) days after receipt of the reports of deceased individuals required under this article;~~ (a) Each circuit court clerk or board of **county voter registration office** shall send a list of the deceased persons whose registrations have been canceled to the following upon request:

- (1) The county chairman of each major political party of the

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(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 14. IC 3-7-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~Not later than thirty (30) days after preparation of a list of disfranchised voters under this article, the circuit court clerk or board of~~ **(a) Each county voter registration office shall send a notice list of disfranchised voters whose registrations have been canceled** to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next general election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 15. IC 3-7-28-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~The circuit court clerk or board of~~ **(a) Each county voter registration office shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article not later than sixty (60) days before election day** to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

~~After that date, upon request the clerk or board shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.~~

(b) A request filed under this section may state that the list is to

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include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 16. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if ~~a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application is was~~ received by the county voter registration office **after December 31, 2002, and before January 1, 2006.**

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by

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the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 17. IC 3-7-33-5, AS AMENDED BY P.L.164-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

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- (1) A statement that the application has been received.
- (2) The disposition of the application by the county voter registration office.
- (3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) Except as provided under subsection (f), the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(D) The voter's voter identification number.

- (4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may include a voter registration card.

(e) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(f) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

- (1) is not returned by the United States Postal Service and received by the county voter registration office at; or
- (2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (c), the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(g) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

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- (1) the seven (7) day period under subsection (c) expires before election day;
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f); and
- (3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of ~~error~~ **voter registration** under IC 3-7-48 to note the addition of the voter to the certified list.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period has not expired before election day; and
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot.

SECTION 18. IC 3-7-34-7, AS AMENDED BY P.L.81-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The county voter registration office shall certify to the NVRA official on an expedited basis a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles commission or a voter registration agency.

(b) The NVRA official shall notify the commission or agency that the commission or agency is required to supply the omitted information on an expedited basis to the county voter registration office. ~~following receipt of notice from the NVRA official:~~

SECTION 19. IC 3-7-34-13, AS AMENDED BY P.L.81-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If a registration form complies with section 9(c) of this chapter and is received after the certified list has been prepared under IC 3-7-29, the county voter registration office shall:

- (1) process the form in accordance with IC 3-7-33-5; and
- (2) if the registration application is approved, issue a certificate

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of ~~error~~ **voter registration** under IC 3-7-48.

(b) If a registration form does not comply with section 9(c) of this chapter, the county voter registration office shall process the form in accordance with IC 3-7-13-12.

SECTION 20. IC 3-7-36-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) The ~~circuit court clerk or board of county voter~~ registration office shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the date that the clerk or board prepares the certified list under IC 3-7-29-1.**

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

SECTION 21. IC 3-7-38.2-2, AS AMENDED BY P.L.164-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
- (2) not result in the removal of the name of a person from the official list of ~~votes~~ **voters** solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.

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- (2) A court regarding jury duty notices.
- (3) The return of a mailing sent by the county voter registration office to all voters in the county.
- (4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.
- (d) The notice described in subsection (b) must:
 - (1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
 - (2) include a postage prepaid return card that:
 - (A) is addressed to the county voter registration office;
 - (B) states a date **(which must be at least thirty (30) days after the date the notice is mailed)** by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and
 - (C) permits the voter to provide the voter's current residence address.
- (e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:
 - (1) in the county, the county voter registration office shall update the voter's registration record; or
 - (2) outside the county, the county voter registration office shall cancel the voter's registration.
- (f) If a voter returns the card described in subsection (d)(2) after the date specified in the notice, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, designate the voter as inactive.**
- ~~(f)~~ **(g)** If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.
- ~~(g)~~ **(h)** A voter's registration that becomes inactive under subsection ~~(f)~~ **(g)** remains in inactive status from the date described in subsection

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(d)(2)(B) until the earlier of the following:

- (1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.
- (2) The day after the second general election in which the voter has not voted or appeared to vote.

~~(h)~~ (i) After the date described in subsection ~~(g)(2)~~, **(h)(2)**, the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 22. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

- (1) naming or renaming streets;
- (2) numbering or renumbering lots or structures; and
- (3) converting rural route addresses to numbered addresses;

shall report the changes to the ~~circuit court clerk or board of county voter~~ registration **office** not later than the last day of the month following the month in which the change was made.

SECTION 23. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend

- ~~(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and~~
- ~~(2) the entry for the voter in the computerized list under IC 3-7-26.3.~~

SECTION 24. IC 3-7-43-6, AS AMENDED BY P.L.164-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office **using the computerized list**, on an expedited basis, as required by IC 3-7-26.3. **A county voter registration office is not required to forward a paper copy of the request for cancellation of registration to another county voter registration office if the authorization of cancellation has been transmitted to the other county voter registration office using the computerized list. The county voter registration office shall retain the paper copy**

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of the request for cancellation for the two (2) year period required under 42 U.S.C. 1974.

SECTION 25. IC 3-7-45-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) If a county voter registration office determines that:

- (1) a voter has been identified as deceased in a list or report described by this chapter; and
- (2) the identification is in error;

the voter registration office may decline to cancel the registration and shall note the apparent error on the voter registration record.

(b) If a county voter registration office determines that a registration has been previously canceled in error due to a report that the voter is deceased, the voter registration office shall reinstate the registration by:

- (1) correcting the registration record before a certified list of voters is prepared under IC 3-7-29-1; or
- (2) issuing a certificate of **error voter registration** under IC 3-7-48.

SECTION 26. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless the ~~circuit court clerk or board of county voter~~ **registration office** provides a signed certificate of ~~error in the office where the permanent registration record is kept~~ **voter registration** showing that the voter is legally registered in the precinct where the voter resides.

(b) A person whose name does not appear on the registration record may cast a provisional ballot as provided in IC 3-11.7.

SECTION 27. IC 3-7-48-2, AS AMENDED BY P.L.81-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A certificate of **error voter registration** issued under section 1 of this chapter:

- (1) may be issued at any time after the production of the certified list under IC 3-7-29;
- (2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and
- (3) shall be numbered serially in the method prescribed for entry in the computerized list maintained under IC 3-7-26.3.

SECTION 28. IC 3-7-48-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. One (1) copy of the certificate of **error voter registration** shall be delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to the circuit court clerk with other election material

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at the close of the polls as provided in this title. The other copy shall be delivered to the county election board and returned to the ~~circuit court clerk~~ **county voter registration office** when the polls are closed.

SECTION 29. IC 3-7-48-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. In a county with a board of registration, the circuit court clerk or board of registration shall promptly transmit all certificates of ~~error~~ **voter registration** to the board of registration.

SECTION 30. IC 3-8-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

- (1) The candidate's name must be printed or typewritten as:
 - (A) the candidate wants the candidate's name to be certified; and
 - (B) the candidate's name is permitted to appear under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). For purposes of this subdivision, a candidate is affiliated with a political party only if the candidate satisfies section 7(a)(4) of this chapter.
- (5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.
- (6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.
- (7) A statement that the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign

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finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

~~(12)~~ (13) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

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(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information near the separate signature required by subsection (b)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 31. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with

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a political party only if any of the following applies:

(A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The candidate has never voted in a primary election and claims a party affiliation.

(C) The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state or local office in a previous primary or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of

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organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

~~(10)~~ **(11)** The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

- (1) The dates for filing campaign finance reports under IC 3-9.
- (2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 32. IC 3-8-5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

- (1) not earlier than January 1; and
- (2) not later than:
 - (A) noon August 1 before a municipal election if the town nominates its candidates by convention; and
 - (B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

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- (1) The candidate's name, printed or typewritten as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
 - (2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward and town), county, and state.
 - (3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different from the residence address.
 - (4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.
 - (5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.
 - (6) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.**
 - ~~(6)~~ (7) The candidate's signature.
- (e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:
- (1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.
 - (2) Post a copy of the list in a prominent place in the circuit court clerk's office.
 - (3) File a copy of each declaration of candidacy with the town clerk-treasurer.
- (f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

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(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

- (1) noon August 1 before the municipal election if the town nominates its candidates by convention; and
- (2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 33. IC 3-8-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. ~~(a)~~ A certificate of nomination **executed under section 13 of this chapter** must be signed before a person authorized to administer oaths and certify the following information:

- (1) The name of the party, the town where the convention was held, the date of the convention, and the date of the town election.
- ~~(2) The name, residence, and office of each candidate that was nominated at the convention.~~
- ~~(3) That each candidate for town council resides in the ward for which the person is a candidate.~~
- ~~(4) That each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a candidate.~~
- ~~(5)~~ (2) The title of the party that the candidates represent and the device by which the candidates may be designated on the ballots (a symbol to designate the party).
- ~~(6)~~ (3) The signature and residence address of the presiding

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officer and secretary of the convention.

~~(b) The certificate of nomination must be filed with the circuit court clerk of the county where the convention was held.~~

SECTION 34. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

- (1) The candidate's written consent to become a candidate.
- (2) A statement that the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
 - (B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

- (A) The candidate receives more than five hundred dollars (\$500) in contributions.
- (B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

- (A) has been a candidate for state or local office in a previous primary or general election; and
- (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal

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(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(9) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

(c) The statement required under subsection (b)(7) must:

- (1) be certified by each circuit court clerk; and
- (2) indicate the number of votes cast for secretary of state:
 - (A) at the last election for secretary of state; and
 - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

- (1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and
- (2) do one (1) of the following:
 - (A) If the petition includes a sufficient number of signatures, certify the petition.
 - (B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon ~~August 20~~ **of the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:**

- (1) certify; or
- (2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

- (1) The dates for filing campaign finance reports under IC 3-9.
- (2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the

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consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

- (1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or
- (2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 35. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Either the chairman and secretary of a state convention or the state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

(b) The certificate must state the following:

- (1) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.
- (2) That the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
 - (B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) That the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

(c) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information near

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the separate signature required by subsection (b)(2):

- (1) The dates for filing campaign finance reports under IC 3-9.
- (2) The penalties for late filing of campaign finance reports under IC 3-9.

(d) A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

SECTION 36. IC 3-8-7-11, AS AMENDED BY P.L.230-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

- (1) the device is changed in accordance with party rules; and
- (2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use **any of the following** as a device:

- (1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).
- (2) The coat of arms or seal of the state or of the United States.
- (3) The national or state flag. ~~or~~
- (4) Any other emblem common to the people.

(d) Not later than noon ~~August 20, before each~~ **seventy-four (74) days before a** general or municipal election, the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and

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is to be printed only on ballots to identify candidates for election to a local office. Not later than noon ~~August 20;~~ **seventy-four (74) days before a general or municipal election**, the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

(g) If a device is filed with the election division or an election board after the commencement of printing of ballots for use at an election conducted under this title, the election board responsible for printing the ballots is not required to alter the ballots to include the device filed under this subsection.

SECTION 37. IC 3-8-7-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

(1) is:

(A) nominated for election; or

(B) a candidate for nomination; and

(2) changed the candidate's legal name after:

(A) the candidate has been nominated; or

(B) the candidate has become a candidate for nomination;

shall file a statement setting forth the former and current legal name of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

(1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set

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forth in the statement is identical to the candidate's name on the county voter registration record.

(2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, ~~the election division~~ and each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

SECTION 38. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for state office.
- (2) A candidate's committee for legislative office.
- (3) A legislative caucus committee.
- (4) A political action committee that has filed a statement or report with the election division.
- (5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for a local office.
- (2) A candidate's committee for a school board office.
- (3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.
- (4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

- (1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.
- (2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:
 - (A) The committee has not filed any report of expenditures

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during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee ~~and waiving any outstanding civil penalty previously imposed by the commission or board~~, if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

~~(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.~~

~~(C)~~ **(B)** According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) If the commission or board administratively dissolves a committee under subdivision (4), the commission or board may also waive any outstanding civil penalty previously imposed by the commission or board against the committee, if the commission or board finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee to be wasteful or unjust.

~~(5)~~ **(6)** The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

~~(6)~~ **(7)** An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a

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surplus of contributions less expenditures to any one (1) or a combination of the following:

- (A) One (1) or more regular party committees.
- (B) One (1) or more candidate's committees.
- (C) The election division.
- (D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.
- (E) Contributors to the committee, on a pro rata basis.
- (2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from **any**:

- (1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or**
- (2) criminal liability.**

SECTION 39. IC 3-9-5-22, AS ADDED BY P.L.221-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) This section applies only to a large contribution that is received by a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

(b) As used in this section, "election" refers to any of the following:

- (1) For a candidate nominated at a primary election, the primary election.
- (2) For a candidate nominated at a state convention, the state convention.
- (3) A general election.

(c) As used in this section, "large contribution" means either of the following:

- (1) Contributions:
 - (A) that total at least one thousand dollars (\$1,000); and
 - (B) that are received
 - ~~(i) after the end of a reporting period and before the deadline for the candidate's committee to file a report under section 6 of this chapter; and~~
 - ~~(ii) not less than forty-eight (48) hours before an election.~~
- (2) A single contribution that is at least ten thousand dollars (\$10,000) that is received at any time.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division not later than:

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- (1) forty-eight (48) hours after a contribution described by subsection (c)(1) is received; or
- (2) noon seven (7) days after a contribution described by subsection (c)(2) is received.

(e) A report filed under this section may be filed ~~by facsimile transmission or~~ as an electronic report when the requirements of IC 3-9-4 or this chapter have been met. A report required by subsection (d) must contain the following information for each large contribution:

- (1) The name of the person making the contribution.
- (2) The address of the person making the contribution.
- (3) If the person making the contribution is an individual, the individual's occupation.
- (4) The total amount of the contribution.
- (5) The dates and times the contributions making up the large contribution described in subsection (c)(1) or a large contribution described in subsection (c)(2) were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section."

Page 2, line 39, delete "A voter described by either of the following is not required".

Page 2, delete lines 40 through 41.

Page 2, line 42, delete "(1)".

Page 2, run in lines 39 through 42.

Page 3, line 1, after "resides" delete ".".

Page 3, line 1, reset in roman "is".

Page 3, reset in roman lines 2 through 3.

Page 3, delete lines 4 through 12.

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 41. IC 3-10-1-8, AS AMENDED BY P.L.164-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct or on the certified copy of the registration record prepared under IC 3-7-29 may:

- (1) vote if the county voter registration office provides a signed certificate of ~~error~~, **voter registration**; or
- (2) cast a provisional ballot under IC 3-11.7, as provided by 42 U.S.C. 15482.

SECTION 42. IC 3-10-1-12, AS AMENDED BY P.L.230-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) In those precincts where ballot card

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voting systems are to be used, each county election board shall prepare and distribute separate primary ballots for each political party participating in a primary election at least equal in number to one hundred percent (100%) of the number of votes cast for the candidate of the party who received the greatest number of votes cast in the precinct at the last general election.

(b) In those precincts where ballot card voting systems are to be used, each county election board shall prepare and distribute separate ballots for voters who wish to vote in an election for a school board office or in an election on a public question being conducted on the same election day as the primary election but who do not wish to vote in the primary election for the nomination of candidates of a political party. Unless the county election board adopts an order to provide and distribute a specific and fewer number of these ballots in a precinct, the county shall provide and distribute the number of ballots for these voters in each precinct required under IC 3-11-3-11(3).

(c) In those precincts where ballot card voting systems are to be used, each county election board shall prepare and distribute separate ballots for voters who under IC 3-7-13-3 are not eligible to vote in an election for an office or in an election on a public question being conducted on the same election day as the primary election, but who wish to vote in the primary for candidates for nomination by a political party. Unless the county election board adopts an order to provide a specific and fewer number of these ballots in a precinct, the county shall provide and distribute a number of ballots at least equal in number to one hundred percent (100%) of the number of voters described by IC 3-7-13-3 registered in the precinct.

~~(b)~~ **(d) In those precincts where electronic voting systems are to be used, the board shall determine the number of ballots required to be printed and furnished to the precincts for emergency purposes only.**

SECTION 43. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than

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sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.

SECTION 44. IC 3-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever a proposed state constitutional amendment or other public question is submitted by the general assembly under Article 16 of the Constitution of the State of Indiana to the electorate of the state for a popular vote, the election division shall certify the public question to the county election board of each county.

(b) If the vote is to occur at a general election, the election division shall certify by noon ~~August 20 before the election~~ **of the date specified under IC 3-8-7-16 for the election division to certify candidates and other public questions for the general election ballot**. If a special election is to be held, the election division shall certify at least thirty (30) days before the election. Each county election board shall publish notice of the public question in accordance with IC 5-3-1.

SECTION 45. IC 3-10-8-1, AS AMENDED BY P.L.164-2006, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A special election shall be held in the following cases:

- (1) Whenever two (2) or more candidates for a federal, state, legislative, circuit, or school board office receive the highest and an equal number of votes for the office, except as provided in Article 5, Section 5 of the Constitution of the State of Indiana or in IC 20.
- (2) Whenever a vacancy occurs in the office of United States Senator, as provided in IC 3-13-3-1.
- (3) Whenever a vacancy occurs in the office of United States Representative, unless the vacancy:
 - (A) occurs less than thirty (30) days before a general election; or
 - (B) exists following an announcement of extraordinary circumstances by the Speaker of the House of Representatives of the United States under 2 U.S.C. 8(b), if an election for the office would otherwise be conducted during the period described by 2 U.S.C. 8(b)(2)(A) or 2 U.S.C. 8(b)(2)(B).
- (4) Whenever a vacancy occurs in any local office, the filling of which is not otherwise provided by law.
- (5) Whenever required by law for a public question.

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(6) Whenever ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18.

(7) Whenever required under IC 3-13-5 to fill a vacancy in a legislative office unless the vacancy occurs less than thirty (30) days before a general election.

SECTION 46. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) This section applies to a special election to fill one (1) or more vacancies in the office of United States Representative under 2 U.S.C. 8(b).**

(b) A special election conducted under this section shall be governed by other provisions of this title as far as applicable.

(c) A political party entitled to fill a candidate vacancy under IC 3-13-2 may nominate a candidate for election to the office under IC 3-13-2-3.

(d) If a candidate does not intend to affiliate with a political party described by subsection (c), the candidate may:

- (1) be nominated as an independent or a candidate of a political party by petition in accordance with IC 3-8-6; or**
- (2) file a declaration of intent to be a write-in candidate under IC 3-8-2-4(b).**

(e) A certificate of candidate selection under IC 3-13-2-8, a petition of nomination, or a declaration of intent to be a write-in candidate must be filed with the election division not later than noon thirty-five (35) days before the special election is to be conducted.

(f) A candidate may file a notice of withdrawal with the election division not later than noon thirty-three (33) days before the special election is to be conducted.

(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding IC 3-11-10-14, an absentee ballot cast by an absent uniformed services voter or an overseas voter may be received by a county election board up to forty-five (45) days after the absentee ballot was transmitted to the voter.

(h) Notwithstanding IC 3-12-5-8(a), if the ballot is determined by the county election board to be otherwise valid, the circuit court clerk shall file an amendment to the certified statement previously filed under IC 3-12-5-6 with the election division not later than noon seven (7) days following the determination of the validity of the ballot. Notwithstanding IC 3-12-5-9, the election division, the secretary of state, and the governor shall prepare, execute, and transmit a replacement certificate of election if the amendment

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filed under this subsection results in a different candidate receiving the highest number of votes for the office.

SECTION 47. IC 3-10-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. If the person executes the affidavit under this chapter before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall:

- (1) provide the person with a voter registration application, if the person's current address is located within the same county as the precinct of the person's former residence, and request that the person complete and sign the application; and**
- (2) return the original affidavit and any completed voter registration application to the circuit court clerk or board of county voter registration office after the closing of the polls.**

SECTION 48. IC 3-10-12-4, AS AMENDED BY P.L.230-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The written affirmation described in section 3.4 of this chapter may be executed as follows:

- (1) At the county voter registration office for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.
- (2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.
- (3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

(b) If the person executes the affidavit under this section at the county voter registration office before the day of the election, the office shall furnish a copy of the affirmation to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

(c) If the person executes the affirmation under this section when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(d) If the person executes the affirmation under this section before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall:

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(1) provide the person with a voter registration application, if the person's current address is located within the same county as the precinct of the person's former residence, and request that the person complete and sign the application; and

(2) return the original affirmation to the county election board.

The county election board shall forward the affidavit **and any completed voter registration application** to the county voter registration office after the closing of the polls.

SECTION 49. IC 3-11-1.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If a proposed precinct establishment order includes a legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section 9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds **or a shape file** that identifies the visible feature that forms the boundary."

Page 4, line 31, after "English" delete ",".

Page 5, between lines 12 and 13, begin a new paragraph and insert: "SECTION 52. IC 3-11-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the ~~election division or~~ the election board may print ballots containing the name of the new candidate.

(b) If the ~~election division or the~~ election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the ~~division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the appointment or selection. Pastors may not be given to or received by any person except the ~~co-directors of the election division (or the~~ election board and the board's chairman.

(c) If a candidate entitled to be placed on the ballot changes the

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candidate's legal name after the printing of ballots and before the election, the candidate who has changed the candidate's legal name shall provide to the ~~election division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the change of name. If a candidate declines to do so under this subsection, the ~~division or the~~ board is not required to reprint ballots to reflect the change of legal name.

SECTION 53. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to **complete and** sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to **complete each part of the application and** sign the application on behalf of the voter. If an individual ~~applies files an application~~ for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- ~~(5) The voter identification number of the individual.~~

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- (4) The reason why the individual is entitled to vote an absentee ballot:
 - (A) by mail; or
 - (B) before an absentee voter board (other than an absentee

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voter board located in the office of the circuit court clerk or a satellite office);

in accordance with ~~IC 3-11-4-18~~, **section 18 of this chapter**, IC 3-11-10-24, or IC 3-11-10-25.

(5) The information required under section 5.1(d) of this chapter to be provided by an individual requesting an absentee ballot.

(6) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:

- (A) is ineligible to vote or to cast an absentee ballot; or
- (B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

- (1) noon seven (7) days after the person receives the application; or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot

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application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (4) A statement that the person is executing the affidavit under the penalties of perjury.
- (5) A statement setting forth the penalties for perjury.
- (i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 54. IC 3-11-4-3, AS AMENDED BY P.L.103-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Except as provided in section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than ninety (90) days before election day nor later than the following:

- (1) Noon on election day if the voter registers to vote under IC 3-7-36-14.
- (2) Noon on the day before election day if the voter completes the application in the office of the circuit court clerk **and votes an absentee ballot under IC 3-11-10-26** or is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by fax under section 6(h) of this chapter.
- (3) Noon on the day before election day if:
 - (A) the application is a mailed, transmitted by fax, or hand delivered application from a confined voter or voter caring for a confined person; and
 - (B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board **under IC 3-11-10-25.**
- (4) Midnight on the eighth day before election day if the application:

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(A) is a mailed application; ~~or~~

(B) was transmitted by fax; **or**

(C) was hand delivered;

from other voters **who request to vote by mail under IC 3-11-10-24.**

SECTION 55. IC 3-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Applications may be made:

(1) in person;

(2) by fax transmission; ~~or~~

(3) by mail; **or**

(4) by electronic mail with a scanned image of the application and signature of the applicant, if transmitted by an overseas voter acting under section 6 of this chapter;

on application forms ~~furnished by the county election board or~~ approved by the commission.

(b) Application forms shall:

~~(1) be furnished to all central committees in the county no later than:~~

~~(A) June 15, for a general election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the primary election; or~~

~~(B) January 15, for a primary election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the general election;~~

~~(2) (1) be:~~

(A) mailed; ~~or~~

(B) transmitted by fax; **or**

(C) transmitted by electronic mail with a scanned image of the application;

upon request, to a voter applying by mail, by telephone, **by electronic mail**, or by fax; and

~~(2) (2)~~ be delivered to a voter in person who applies at the circuit court clerk's office.

(c) The county election board shall:

(1) accept; and

(2) transmit;

applications for absentee ballots under subsection (a) by fax **or electronic mail, if the county election board has access to a fax machine or electronic mail.** A county election board shall accept an application for an absentee ballot transmitted by fax even though the application is delivered to the county election board by a person other

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than the person submitting the application.

SECTION 56. IC 3-11-4-5.1, AS AMENDED BY P.L.1-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5.1. (a) The commission shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.
- (2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.
- (3) Set forth the penalties for perjury.

(c) The form prescribed by the commission shall require that a voter who:

- (1) requests an absentee ballot; and
- (2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) The form prescribed by the commission must require that a voter who requests an absentee ballot provide one (1) of the following:

- (1) A description of and the identification number for the proof of identification the voter would submit if the voter were voting in person.**
- (2) The last four (4) digits of the voter's Social Security number, if:**
 - (A) the voter does not provide a description of the proof of identification; or**
 - (B) the proof of identification does not have an identification number.**

(e) This subsection applies after December 31, 2007. The form prescribed by the commission must include a statement that permits an applicant to indicate whether:

- (1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and**

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(2) the applicant's legal residence is at the address set forth in the applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address at which the applicant resides and to which the absentee ballot is to be mailed.

SECTION 57. IC 3-11-4-17, AS AMENDED BY P.L.198-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 17. Upon receipt of an application for an absentee ballot, a circuit court clerk shall file the application in the clerk's office and record all of the following:

- (1) The voter's name.
- (2) The date the application is received.
- (3) The information required under section 5.1(d) of this chapter to be provided by the voter.**
- ~~(3)~~ (4) The date the ballot is sent to the voter.
- ~~(4)~~ (5) If mailed, the address to which the ballot is sent.
- ~~(5)~~ (6) If transmitted by fax, the fax number to which the ballot is faxed.
- ~~(6)~~ (7) The date the ballot is marked before the clerk or otherwise received from the voter.
- ~~(7)~~ (8) The combined total number of absentee ballots sent by the county to absent uniformed services voters and overseas voters.
- ~~(8)~~ (9) The total number of absentee ballots returned by voters described in subdivision ~~(7)~~ (8) in time to be counted.
- ~~(9)~~ (10) The total number of absentee ballots described in subdivision ~~(7)~~ (8) that were counted in whole or in part.
- ~~(10)~~ (11) Any other information that is necessary or advisable."

Page 5, line 15, delete "UPON PASSAGE);" and insert "JULY 1, 2007];".

Page 6, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 59. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to

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the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. **If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and that this application is pending under IC 3-7-33, the ballot shall be mailed in accordance with the applicable deadline set forth in subdivision (1) or (2) after the registration application is approved.**

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

- (1) must be mailed:
 - (A) on the day of the receipt of the voter's application; or
 - (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is

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cast and counted, including the issuance of replacement ballots.

SECTION 60. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, **or** IC 3-10-12. ~~or at a special voting poll under section 6.5 of this chapter.~~

SECTION 61. IC 3-11-8-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

- (1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or
- (2) a precinct establishment order issued under IC 3-11-1.5:
 - (A) designates a new polling place location; or
 - (B) combines the existing precinct with another precinct established by the order.

~~(c) The county executive shall then file the report required by section 6.5 of this chapter concerning polls that are inaccessible to voters with disabilities.~~

SECTION 62. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must ~~include the following information:~~

- ~~(1) For each precinct, state whether the polls are located in an accessible facility.~~
- ~~(2) If special polling places are designated under section 6.5 of this chapter:~~
 - ~~(A) the location of each special polling place; and~~
 - ~~(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.~~

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best

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possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 63. IC 3-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~Except as provided in section 6.5 of this chapter,~~ The county executive shall locate the polls for each precinct in an accessible facility.

SECTION 64. IC 3-11-8-22.1, AS ADDED BY P.L.164-2006, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22.1. (a) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who produces a certificate of **error voter registration** issued under IC 3-7-48-1.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(b) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who makes an oral or a written affirmation in compliance with IC 3-7-48-5 that the voter continues to reside in the precinct at the address shown as the voter's former residence in the voter registration record.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(c) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who produces a registration receipt that complies with IC 3-7-48-7.

If the county election board provides the precinct election board with the information required under IC 3-7-48-7(a)(2) and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the

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voter wishes to cast a ballot.

(d) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct;
and

(2) who is not described by subsection (a), (b), or (c).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

(e) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who no longer resides in the precinct but is entitled to vote at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

If the voter executes an affidavit in compliance with IC 3-10-10, IC 3-10-11, or IC 3-10-12 and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot if the voter wishes to cast a ballot.

(f) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who is not described in subsection (e).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

SECTION 65. IC 3-11-8-23, AS AMENDED BY P.L.164-2006, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

(1) A statement that the voter is a citizen of the United States.

(2) The voter's date of birth to the best of the voter's information

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and belief.

(3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

(4) The voter's name and a statement that the voter is generally known by that name.

(5) A statement that the voter has not voted and will not vote in any other precinct in this election.

(6) The voter's occupation.

(7) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.

(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

(9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by

~~(A) IC 3-7-13-10. or~~

~~(B) IC 3-7-36-11, if the voter registered under that section."~~

Page 7, line 17, delete "A voter described by either of the following is not required".

Page 7, delete line 18.

Page 7, line 19, delete "(1)".

Page 7, line 20, after "resides" delete ".".

Page 7, line 20, reset in roman "is".

Page 7, reset in roman lines 21 through 22.

Page 7, run in lines 17 through 22.

Page 7, delete lines 23 through 31.

Page 8, line 32, delete "UPON PASSAGE]:" and insert "JULY 1, 2007]:".

Page 8, line 41, delete "registration." and insert "**registration, if this signature is available. If the signature on the voter's affidavit of registration is not available, the board shall compare the signature as it appears on the ballot envelope with the signature of the voter as it appears on the voter's application for an absentee ballot.**".

Page 9, line 7, delete "registration." and insert "**registration, if this signature is available. If the signature on the voter's affidavit of registration is not available, the board shall compare the signature as it appears on the ballot envelope with the signature of the voter**".

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as it appears on the voter's application for an absentee ballot."

Page 9, line 15, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 9, line 20, strike "large or".

Page 9, line 25, strike "name and".

Page 9, line 30, delete "UPON PASSAGE]:" and insert "JULY 1, 2007]:".

Page 9, line 35, after "to" insert "**board**".

Page 10, line 29, delete "UPON PASSAGE]:" and insert "JULY 1, 2007]:".

Page 10, line 29, after "to" insert "**IC 3-10-8-7.5 and**".

Page 11, line 7, delete "UPON PASSAGE]:" and insert "JULY 1, 2007]:".

Page 11, line 16, delete "envelope." and insert "envelope, **if the signature on the voter's affidavit of registration is available. If the signature on the voter's affidavit of registration is not available, the board shall compare the signature as it appears on the ballot envelope with the signature of the voter as it appears on the voter's application for an absentee ballot.**".

Page 11, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 72. IC 3-11-10-22, AS AMENDED BY P.L.109-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 22. (a) If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is ~~not~~ required to provide ~~proof of identification;~~ **the information described in IC 3-11-4-5.1(d).**

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot shall be placed in the ballot box."

Page 12, after line 42, begin a new paragraph and insert:

"SECTION 74. IC 3-11-13-31.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.6. Whenever a ballot card voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

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SECTION 75. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate columns or pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last

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election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. **A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.**

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed

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immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

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(1) do not replace; and
 (2) are in addition to;
 any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 76. IC 3-11-14-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 77. IC 3-11-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each application for certification of a voting system shall be accompanied by a fee of one thousand five hundred dollars (\$1,500). **All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.**

SECTION 78. IC 3-11-17-2, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently sells, leases, installs, implements, or permits the use of a voting system ~~in an election conducted in Indiana~~ in violation of this title is subject to a civil penalty under this chapter.

SECTION 79. IC 3-11-17-3, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** If the secretary of state determines that a vendor is subject to a civil penalty under section 2 of this chapter, the secretary of state may assess a civil penalty. The civil penalty assessed under this section may not exceed three hundred thousand dollars (\$300,000), plus any investigative costs incurred and documented by the secretary of state.

(b) In computing the maximum civil penalty that may be assessed under subsection (a), if a violation occurs in more than one (1) county, the violation is considered a separate violation in each county in which the violation occurs.

SECTION 80. IC 3-11-17-4, AS ADDED BY P.L.221-2005,

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SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The secretary of state is **not** subject to IC 4-21.5 in imposing a civil penalty under this chapter.

SECTION 81. IC 3-11-17-6, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The voting system technical oversight program account is established with the state general fund to provide money for:

- (1) administering and enforcing IC 3-11-7, IC 3-11-7.5, IC 3-11-15, IC 11 3-11-16, and this chapter **by the secretary of state and the election division; and**
- (2) **the investigation by the secretary of state of alleged violations of this title.**

(b) The election division shall administer the account. With the approval of the budget agency, funds in the account are available to augment and supplement the funds appropriated to the **secretary of state or the election division** for the purposes described in this section.

(c) The expenses of administering the account shall be paid from the money in the account.

(d) The account consists of **the following:**

- (1) All civil penalties collected under this chapter.
- (2) **Fees collected under IC 3-11-15-4.**
- (3) **Contributions to the account made in accordance with a settlement agreement executed with a voting system vendor.**

(e) **Money in the account at the end of a state fiscal year does not revert to the state general fund.**

(f) **All money in the account is continuously appropriated for the purposes specified in subsection (a).**

SECTION 82. IC 3-11-17.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17.5. Audits to Determine Compliance With Federal and State Election Record Retention Requirements

Sec. 1. Beginning January 1, 2008, the secretary of state shall conduct audits of the status of precinct election material retained by a circuit court clerk under IC 3-10-1-31 and IC 3-10-1-31.1.

Sec. 2. The secretary of state shall determine whether the precinct election material has been preserved in compliance with 42 U.S.C. 1974 and this title.

Sec. 3. Not later than the first Monday of June each year, the secretary of state shall randomly select one percent (1%) of all precincts in Indiana to be audited under this chapter.

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Sec. 4. If the secretary of state determines that precinct election material is not being preserved in compliance with 42 U.S.C. 1974 and this title, the secretary of state shall provide a written report describing the noncompliance or any other observation concerning compliance with other election laws noted during the audit to the county election board of the county that is responsible for the precinct election material.

SECTION 83. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) ~~A vote center may not be used~~ In a municipal primary or municipal election conducted within a municipality that is partially located in a county that has ~~not~~ been designated a vote center pilot county, **a vote center may not be used by a voter who does not reside within that part of the municipality that is located in the county that has been designated a vote center pilot county.**"

Page 13, line 2, delete "UPON PASSAGE:" and insert "JULY 1, 2007]:".

Page 13, line 12, delete "registration." and insert **"registration, if this signature is available. If the signature on the voter's affidavit of registration is not available, the board shall compare the signature as it appears on the ballot envelope with the signature of the voter as it appears on the application for an absentee ballot."**

Page 13, line 15, delete "UPON PASSAGE:" and insert "JULY 1, 2007]:".

Page 13, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 86. IC 3-11.5-4-16, AS AMENDED BY P.L.164-2006, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is ~~not~~ required to provide ~~proof of identification:~~ **the information described in IC 3-11-4-5.1(d).**

(d) If a proper affidavit by a qualified person in the form required by

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IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(e) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section ~~11~~ **12** of this chapter."

Page 13, between lines 25 and 26, begin a new paragraph and insert:
"SECTION 88. IC 3-11.5-5-14, AS AMENDED BY P.L.198-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section applies to the counting of write-in absentee ballots for:

- (1) a federal office received under 42 U.S.C. 1973ff; and
- (2) a federal office, state office, or public question under IC 3-11-4-12(a).

(b) If a voter writes an abbreviation, a misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President and writes in the name of a candidate or political party that has not:

- (1) certified a list of electors under IC 3-10-4-5; **or**
- (2) included a list of electors on the declaration of intent to be a write-in candidate filed by a write-in candidate under IC 3-8-2-2.5;**

the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

~~(e)~~ **(f) As required under 42 U.S.C. 1973ff-2(b),** a ballot subject to this section may not be counted if:

- (1) the ballot was submitted:
 - (A) by an overseas voter who is not an absent uniformed services voter; and**
 - (B) from within the United States;**
- (2) the **overseas** voter's application for a regular absentee ballot was received by the ~~circuit court clerk~~ **or county election board of registration** less than thirty (30) days before the election;
- (3) the voter's completed regular state absentee ballot was

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received by the ~~circuit court clerk or county election~~ board of registration by the deadline for receiving absentee ballots under IC 3-11.5-4-7; or

(4) the ballot subject to this section was not received by the ~~circuit court clerk or county election~~ board of registration by the deadline for receiving absentee ballots under IC 3-11.5-4-7.

SECTION 89. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

- (A) whose name does not appear on the registration list; and
- (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of ~~error~~ **voter registration** under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

- (1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or
- (2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

- (1) is eligible to vote under IC 3-7-13-1;
- (2) submitted a voter registration application during the registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11, if the voter registered under that section);~~ and
- (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot."

Page 13, delete lines 26 through 42.

Delete page 14.

Page 15, delete lines 1 through 18.

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Page 15, between lines 18 and 19, begin a new paragraph and insert:
 "SECTION 90. IC 3-12-2-7.5, AS AMENDED BY P.L.198-2005,
 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2007]: Sec. 7.5. (a) This section applies to the counting of
 write-in absentee ballots for:

- (1) a federal office received under 42 U.S.C. 1973ff; and
- (2) a federal office, state office, or public question under
 IC 3-11-4-12.

(b) If a voter writes an abbreviation, misspelling, or other minor
 variation instead of the correct name of a candidate or political party,
 that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice
 President of the United States and writes in the name of a candidate or
 political party that has not:

- (1) certified a list of electors under IC 3-10-4-5; or
- (2) included a list of electors on the declaration for candidacy
 filed by a write-in candidate under IC 3-8-2-2.5;

the vote for President or Vice President is void. The remaining votes on
 the ballot may be counted.

**(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided
 in this section, an absentee ballot subject to this section shall be
 submitted and processed in the same manner provided by this title
 for a regular absentee ballot.**

~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

~~(e)~~ (f) **As required under 42 U.S.C. 1973ff-2(b), a ballot subject
 to this section may not be counted if:**

- (1) the ballot was submitted:
 - (A) by an overseas voter who is not an absent uniformed
 services voter; and
 - (B) from within the United States;

**(2) the overseas voter's application for a regular absentee
 ballot was received by the county election board less than
 thirty (30) days before the election;**

~~(2)~~ (3) the voter's completed regular state absentee ballot was
 received by the county election board by the deadline for
 receiving absentee ballots under IC 3-11-10-11; or

~~(3)~~ (4) the ballot subject to this section was not received by the
 county election board by the deadline for receiving absentee
 ballots under IC 3-11-10-11."

Page 15, line 22, after "may" insert ",".

Page 15, line 23, after "to" insert **"upon the adoption of an order
 by unanimous vote of the entire membership of the board,"**.

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Page 15, line 27, after "inspection" insert ", **after filing notice of the order authorizing the inspection with the secretary of state,**".

Page 15, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 92. IC 3-12-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each petitioner shall furnish a cash deposit or file a bond with corporate surety to the approval of the court for the payment of all costs of the recount. The minimum amount of the cash deposit or bond is one hundred dollars (\$100). **The maximum amount of the cash deposit or bond may not exceed the amount specified under subsection (b) or (c).**

(b) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office. If the number of precincts to be recounted exceeds ten (10), the amount of the deposit or bond shall be increased by ten dollars (\$10) for each precinct in excess of ten (10).

(c) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is more than one percent (1%) of the total votes cast for all candidates for the nomination or office. If the number of precincts to be recounted exceeds ten (10), the amount of the deposit or bond shall be increased by one hundred dollars (\$100) for each precinct in excess of ten (10).

(d) If a petition is joint, a joint bond may be furnished.

(e) The costs of a recount may include the following:

- (1) Compensation of recount commissioners.
- (2) Compensation of additional employees required to conduct the recount, including overtime payments to regular employees who are eligible to receive such payments.
- (3) Postage and telephone charges directly related to the recount.

(f) The costs of a recount may not include the following:

- (1) General administrative costs.
- (2) Security.
- (3) Allowances for meals or lodging.

(g) If the recount results in a reduction of at least fifty percent (50%) but less than one hundred percent (100%) of the margin of the total certified votes, the petitioner shall receive a refund of that percentage of the unexpended balance. If after a recount, it is determined that a petitioner has been nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.

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(h) Any unexpended balance remaining in a deposit after payment of all costs of the recount and the refund, if a refund is made, shall be deposited in the county general fund.

SECTION 93. IC 3-13-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as provided in section 18 or 20 of this chapter **or IC 3-10-8-7.5**, this chapter applies to the filling of a candidate vacancy that arises for any reason if the vacancy leaves a major political party without a candidate for the office and occurs before the thirtieth day before a general, special, or municipal election.

SECTION 94. IC 3-13-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Except as provided in IC 3-10-8-7.5**, a candidate vacancy for United States Representative shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the congressional district.

SECTION 95. IC 3-13-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

- (1) the chairman of the caucus **or committee conducting a meeting under this chapter**; and
- (2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus **or committee meeting**.

(b) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 96. IC 3-13-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) At a meeting called under section 7 of this chapter, the eligible participants shall:

- (1) establish the ~~caucus~~ rules of procedure **for the caucus or**

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meeting, except as otherwise provided in this chapter; and

(2) select, by a majority vote of those casting a vote for a candidate, a person to fill the candidate vacancy described in the call for the meeting.

(b) If more than one (1) person seeks to fill the vacancy, the selection shall be conducted by secret ballot.

SECTION 97. IC 3-13-1-21 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 21. (a) This section applies to a certificate of candidate selection filed under section 15 or 20 of this chapter.**

(b) To enforce the requirements of IC 3-5-4-1.9, the election division, a circuit court clerk, or any other official responsible for receiving a certificate of candidate selection may not receive a filing of a certificate of candidate selection if:

- (1) a notice of a caucus or meeting;**
- (2) a declaration of candidacy filed by the individual selected as the candidate; or**
- (3) the certificate of candidate selection;**

is or was offered to be filed after the deadline for the filing provided by this chapter.

SECTION 98. IC 3-13-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) The state chairman (or a person designated by the state chairman) shall preside over a caucus meeting held under this chapter.**

(b) A person who desires to be a candidate to fill a vacancy under this chapter must file:

- (1) a declaration of candidacy with the chairman of the caucus; and**
- (2) a statement of economic interests under IC 2-2.1-3-2 with the secretary of the senate or principal clerk of the house of representatives;**

at least seventy-two (72) hours before the time fixed for the caucus.

(c) In addition to the procedures prescribed by this chapter, the chairman and precinct committeemen may adopt rules of procedure that are necessary to conduct business.

SECTION 99. IC 3-14-2-1, AS AMENDED BY P.L.103-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. A person who knowingly does any of the following commits a Class D felony:**

- (1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.**
- (2) Conspires with an individual for the purpose of encouraging**

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the individual to vote illegally.

(3) Pays or offers to pay an individual for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Requesting that another individual sign a petition to permit a candidate or a public question to be placed on the ballot at an election if the payment is based on the number of signatures obtained on petitions by the individual.

~~(D)~~ (E) Voting.

(4) Accepts the payment of any property for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Requesting that another individual sign a petition to permit a candidate or a public question to be placed on the ballot at an election if the payment is based on the number of signatures obtained on petitions by the individual.

~~(D)~~ (E) Voting.

SECTION 100. IC 3-14-2-29, AS AMENDED BY P.L.103-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A person who knowingly inspects a voting system under IC 3-12-4-18 without: ~~obtaining authorization from the state recount commission~~

(1) the adoption of an order under IC 3-12-4-18 to conduct the inspection; or

(2) the filing of an order adopted under IC 3-12-4-18 with the secretary of state;

commits a Class D felony.

SECTION 101. IC 4-8.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a) The individual elected as treasurer of state shall take office on January 1 following the individual's election.**

(b) The treasurer of state and his deputy treasurers shall each give bond in an amount determined by the auditor of state and the governor. The bond shall be conditioned on the faithful performance of the duties as treasurer of state and deputy treasurer, respectively. The bond must be procured from a surety company authorized by law to transact business in this state."

Page 15, line 32, delete "Services" and insert "**The agreement shall**

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be modified to exclude services".

Page 16, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 103. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under IC 5-10.3-7-2(1), "vested status" means the status of having:

- (1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;
- (2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or
- (3) at least ten (10) years of creditable service as a member of the fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as Auditor of State, Secretary of State, or Treasurer of State, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual shall be vested if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015.

SECTION 104. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A manager or an employee may use any of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

- (1) Hand delivery to the county voter registration office.
- (2) ~~Certified mail, return receipt requested.~~ **Delivery by the United States Postal Service, using first class mail.**

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SECTION 105. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~(a)~~ The ~~co-directors of the~~ election division shall provide the commission with a list of the current addresses and telephone numbers of the offices of the ~~circuit court clerk or board of~~ county voter registration office in each county. The commission shall promptly forward the list and each revision of the list to each license branch.

~~(b) The co-directors of the election division shall provide the commission with pre-addressed packets for the commission to transmit applications under section 6(1) or 6(2) of this chapter.~~

SECTION 106. IC 16-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The state department shall charge and collect a fee of eight dollars (\$8) for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee of four dollars (\$4) for each record.

(b) The state department shall charge and collect an additional fee of eight dollars (\$8) for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

(d) Verification and issuance of a certification or amendment of a record under this section must be issued without the payment of a fee or charge to an individual who:

- (1) does not have a valid Indiana driver's license; and**
- (2) will be at least eighteen (18) years of age at the next general, municipal, or special election.**

SECTION 107. IC 16-37-1-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.5. **(a)** In addition to the fee charged by the state department under section 11 of this chapter for a search of the records in the division of vital records, the state department shall charge a birth problems registry fee of two dollars (\$2) for each search of the records for a birth certificate. The fees collected under this section shall be deposited in the birth problems registry fund established by IC 16-38-4-17.

(b) Verification must be issued without the payment of a birth problems registry fee under this section to an individual who:

- (1) does not have a valid Indiana driver's license; and**
- (2) will be at least eighteen (18) years of age at the next general, municipal, or special election."**

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Page 17, between lines 34 and 35, begin a new paragraph and insert:
 "SECTION 109. IC 36-2-9-9 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The auditor may
 administer the following:

- (1) Oaths necessary in the performance of the auditor's duties.
- (2) The oath of office to an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.
- (3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.
- (4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages executed for the security of trust funds the auditor is required to lend.

SECTION 110. IC 36-5-1-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

- (1) provide that:
 - (A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or
 - (B) divide the town into not less than three (3) nor more than seven (7) districts; and
- (2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. ~~If on the date that an ordinance was adopted under this section, absentee ballots for a general or municipal election have been delivered under IC 3-11-4-15 for voters within a precinct in the town, is not later than June 1 of a general or municipal election year,~~ the election must be conducted on the date of the next general or municipal election held in any precincts in the county after the election for which absentee balloting is being conducted. However, a primary election may not be conducted before an election conducted under this section, regardless of the population of the town.

(b) Districts established by an ordinance adopted under this section must comply with IC 3-11-1.5.

(c) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the

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district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

(d) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

(e) Except as provided in subsection (f), an ordinance adopted under this section becomes effective when filed with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of each county in which the town is located.

(f) An ordinance incorporating a town under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(g) Proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.

SECTION 111. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-5-4-6; IC 3-7-36-11; IC 3-11-3-4; IC 3-11-8-6.5; IC 3-11-11-1.5; IC 3-11-11-1.6.

SECTION 112. IC 3-11-10-1.2 IS REPEALED [EFFECTIVE JANUARY 1, 2008].

SECTION 113. [EFFECTIVE UPON PASSAGE] (a) **The definitions in IC 3-5-2 apply throughout this SECTION.**

(b) **This SECTION applies to a proposed precinct establishment order that:**

- (1) **was filed with the election division not later than January 31, 2007;**
- (2) **received technical comments that were transmitted from the office to the election division not later than January 31, 2007, concerning all or a portion of the order; and**

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(3) was not approved by the commission or the election division under IC 3-11-1.5 before February 1, 2007.

(c) Before September 1, 2007:

- (1) the commission; or
- (2) the election division;

may approve a proposed precinct establishment order described in subsection (b) that has been revised by the election division in response to technical comments or to ensure compliance with state law.

(d) Notwithstanding IC 3-11-1.5-25, a precinct establishment order approved under this SECTION is effective following:

- (1) the adoption of the order by the county executive under IC 3-11-1.5-18(e); or
- (2) the approval of the order by the commission under IC 3-11-1.5-18(f).

(e) This SECTION expires December 31, 2007.

SECTION 114. [EFFECTIVE UPON PASSAGE] (a) IC 3-11-17-2, IC 3-11-17-3, and IC 3-11-17-4, all as amended by this act, apply to a violation that occurs after June 30, 2007.

(b) This SECTION expires July 1, 2012.

SECTION 115. [EFFECTIVE JULY 1, 2007] (a) A form prescribed by the Indiana election commission and acceptable for use by a candidate before July 1, 2007, under IC 3-8-2-2.5, IC 3-8-5-10.5, or IC 3-8-6-12, before their amendment by this act, is acceptable for use by a candidate after June 30, 2007.

(b) This SECTION expires January 1, 2008.

SECTION 116. [EFFECTIVE JULY 1, 2007] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

(b) An envelope printed before July 1, 2007, in conformity with IC 3-11-10-8, before its amendment by this act, may continue to be used by a county election board until December 31, 2007. An envelope used under IC 3-11-10-8 after December 31, 2007, must comply with IC 3-11-10-8, as amended by this act.

(c) This SECTION expires December 31, 2008."

Page 17, delete lines 35 through 36.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1804 as reprinted February 21, 2007.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 3.

EH 1804—LS 7684/DI 75+



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SENATE MOTION

Madam President: I move that Engrossed House Bill 1804 be amended to read as follows:

Page 73, line 35, after "Sec. 6." insert "(a)".

Page 73, between lines 40 and 41, begin a new paragraph and insert:

"(b) A county voter registration office:

(1) shall process a voter registration application transmitted in electronic format from a license branch; and

(2) is not required to receive the paper copy of a voter registration application from a license branch before:

(A) approving or denying the application; and

(B) mailing a notice of approval or denial to the applicant."

(Reference is to EHB 1804 as printed April 6, 2007.)

LANDSKE

SENATE MOTION

Madam President: I move that Engrossed House Bill 1804 be amended to read as follows:

Page 3, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 7. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record."

Re-number all SECTIONS consecutively.

(Reference is to EHB 1804 as printed April 6, 2007.)

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1804 be amended to read as follows:

Page 53, delete lines 36 through 42.

Page 54, delete lines 1 through 27.

Page 56, delete lines 20 through 36.

Page 64, delete lines 19 through 35.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1804 as printed April 6, 2007.)

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